NORTHERN IRELAND

THE

Public General Acts of 1927

PASSED IN THE SEVENTEENTH AND EIGHTEENTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH

BEING THE

THIRD SESSION OF THE SECOND PARLIAMENT

OF

NORTHERN IRELAND

WITH A

TABLE OF THE TITLES, THE EFFECT OF THE YEAR'S LEGISLATION AND AN INDEX

BELFAST
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TABLE I

A
TABLE
OF
THE TITLES OF THE PUBLIC GENERAL ACTS OF 1927

being the Acts passed in the THIRD SESSION of the SECOND PARLIAMENT OF NORTHERN IRELAND.

17 GEO. 5.—A.D. 1927.

17 & 18 GEO. 5.—A.D. 1927.

17 GEO. 5.

1. An Act to confirm and give effect to an agreement relating to the establishment of an Agricultural Research Station for Northern Ireland, and to incorporate certain Trustees for the control and management of the said Station, and for purposes connected therewith. (*Agricultural Research Station.*)

2. An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the years ending on the thirty-first day of March, nineteen hundred and twenty-seven, and the thirty-first day of March, nineteen hundred and twenty-eight. (*Consolidated Fund.*)

3. An Act to amend the law relating to injury to certain classes of live stock by dogs. (*Dogs.*)

4. An Act to amend the Labourers Act (Northern Ireland), 1923, in its application to certain loans and advances under the Labourers Acts (Northern Ireland), 1883 to 1923. (*Labourers' Cottages (Loans).*)

5. An Act to alter the allocation of certain salaries which are payable under the Salaries of Ministerial Offices Act, 1921 [N.I.] (*Salaries of Ministerial Offices.*)

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17 & 18 GEO. 5.

6. An Act to regulate the sale on commission of horticultural produce. (*Horticultural Produce* (*Sales on Commission*).)

7. An Act to make better provision for the protection against lead poisoning of persons employed in painting buildings. (*Lead Paint* (*Protection against Poisoning*).)

8. An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1926, by increasing the amount of loans which may be guaranteed under the said Acts. (*Loans Guarantee.*)

9. An Act to empower railway companies to provide and run road vehicles. (*Railways* (*Road Vehicles*).)

10. An Act to make further provision for the bringing into account of the Northern Ireland residuary share of reserved taxes, and for payments to the reserve fund, and to charge on the Consolidated Fund certain sums for the purposes of agriculture and housing. (*Exchequer and Financial Provisions.*)

11. An Act to alter the Rate of Entertainments Duty, to amend the Law relating to certain Duties of Inland Revenue (including Excise), and to make provision for Relief in respect of Double Taxation as between Northern Ireland and Great Britain and as between Northern Ireland and the Irish Free State, and for purposes connected therewith. (*Finance.*)

12. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-eight, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

13. An Act to amend the provisions of the Workmen's Compensation Acts (Northern Ireland), 1906 to 1923; and to give effect in Northern Ireland to certain enactments of the Workmen's Compensation Act, 1925. (*Workmen's Compensation* (*Miscellaneous Amendments*).) [Repealed by Chapter 16.]

14. An Act to continue certain Expiring Laws as respects Northern Ireland. (*Expiring Laws Continuance.*)

15. An Act to amend section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments, and to extend the powers of local authorities in connection with the sale of houses. (*Housing.*)

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16. An Act to consolidate, as respect Northern Ireland, the law relating to compensation to workmen for injuries suffered in the course of their employment. (*Workmen's Compensation*).

17. An Act to provide for the granting of licences for the sale of milk under special designations. (*Sale of Milk.*)

18. An Act to amend the provisions of the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland), 1920 to 1925, with respect to houses let with furniture and the obtaining of possession of houses by misrepresentation. (*Rent and Mortgage Interest Restrictions, Amendment.*)

19. An Act to consolidate, with amendments, the enactments relating to quarries, and for purposes connected therewith. (*Quarries.*)

20. An Act to declare and amend the law relating to trade disputes and trade unions, to regulate the position of civil servants and persons employed by public authorities in respect of membership of trade unions and similar organisations, to extend section five of the Conspiracy, and Protection of Property Act, 1875, and for other purposes connected with the purposes aforesaid. (*Trade Disputes and Trade Unions.*)

21. An Act to amend the law relating to the sale and supply of intoxicating liquor (including methylated spirits and methylated ether), the registration of clubs, and the licensing of theatres and music halls ; and for purposes connected therewith. (*Intoxicating Liquor and Licensing.*)

22. An Act to provide for the administration by the Ministry of Labour of the public service in connection with non-contributory old age pensions, and to amend the law with respect to the determination of claims for, and questions relating to, such pensions. (*Old Age Pensions* (*Administration*).)

23. An Act to confirm and give effect to an agreement made between the Ministry of Commerce and the Lisburn Electric Supply Company, Limited, with respect to the transmission line to be constructed by the said Company for carrying electrical energy from Belfast to Lisburn. (*Lisburn Electric Supply Company* (*Agreement*).)

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NORTHERN IRELAND.

THE PUBLIC GENERAL STATUTES OF 1927

[17 GEO. 5]

CHAPTER 1.

An Act to confirm and give effect to an agreement relating to the establishment of an Agricultural Research Station for Northern Ireland, and to incorporate certain Trustees for the control and management of the said Station, and for purposes connected therewith.

[31st March, 1927.]

A.D. 1927.

WHEREAS by an agreement dated the twenty-eighth day of October, nineteen hundred and twenty-six and made between the Ministry of Finance for Northern Ireland (in this Act referred to as "the Ministry of Finance") of the first part, the Ministry of Agriculture for Northern Ireland (in this Act referred to as "the Ministry of Agriculture") of the second part and James Scott Gordon of Beaconsfield, Knock Road, in the City of Belfast, Permanent Secretary of the Ministry of Agriculture, James Pimlott of Wyverdale, Glen Road, Comber, in the County of Down, Chief Inspector of the Ministry of Agriculture, Josias Cunningham of Glencairn, Glencairn Road, in the city of Belfast, Farmer and Manufacturer, George Scott Robertson of Glenaltans, King's Road, in the city of Belfast, Head of the Department of Agricultural Chemistry in the Queen's University of Belfast,

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A.D. 1927.

Robert Rae of 112 Malone Avenue, in the city of Belfast, Head of the Department of Crop and Animal Husbandry in the Queen's University of Belfast, William Robert Morrow of Ben Vista, Knock, in the County of Down, Farmer, Alexander John McDonnell Pilkington of Parkmore, in the County of Antrim, Farmer, John Martin Mark of The Banks, Limavady, in the County of Londonderry, Solicitor and Farmer, and Harold Adrian Milne Barbour of Strathearne, Dunmurry, in the County of Antrim, Linen Thread Manufacturer, (in this Act referred to as "the Trustees") of the third part, which agreement is set forth in the Schedule to this Act, and is in this Act referred to as "the scheduled agreement," it was agreed upon the conditions therein mentioned that the Ministry of Finance should permit the Trustees to use and occupy part of the lands which are referred to in the scheduled agreement and in this Act as "the Great Park" (which Great Park consists of certain lands, being part of the townland of Large Park situate in the Barony of Iveagh Lower, Upper Half, and County of Down) as an Agricultural Research Station for the purposes of carrying out research in animal nutrition and conducting experiments and investigations relating to animals and to crops:

And whereas the Great Park is now vested in the Ministry of Finance under and by virtue of an indenture dated the twenty-fifth day of January, nineteen hundred and twenty-seven, and made between the Commissioners of His Majesty's Public Works and Buildings of the one part and the Ministry of Finance of the other part:

And whereas the provisions of the scheduled agreement cannot take effect without the authority of Parliament:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Incorporation of Agricultural Research Institute.

1.—The Trustees named in the scheduled agreement and new trustees to be appointed in pursuance of the provisions thereof shall be a body corporate called by the name of "the Agricultural Research Institute of Northern Ireland" with perpetual succession and a

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common seal and with power to acquire and hold land without licence in mortmain. A.D. 1927.

Confirmation of agreement.

2. The scheduled agreement is hereby confirmed and shall have effect as if enacted in this Act and shall bind the Agricultural Research Institute of Northern Ireland as if the said Institute were substituted as a party for and had executed the scheduled agreement in place of the Trustees.

Payments out of moneys provided by Parliament, and exemption of agreement from stamp duty

3.—(1) There shall be paid out of moneys provided by Parliament such sums as may under the scheduled agreement become payable by the Ministry of Finance to the said Institute for the purposes of the Capital Fund, the Endowment Fund, and the interim payment therein mentioned, not exceeding the respective amounts therein specified.

(2) No stamp duty shall be charged on the scheduled agreement.

Short title

4. This Act may be cited as the Agricultural Research Station Act (Northern Ireland), 1927.

SCHEDULE.

THIS INDENTURE made the twenty-eighth day of October, Nineteen hundred and twenty-six between the Ministry of Finance for Northern Ireland (hereinafter called "the Ministry of Finance") of the first part, the Ministry of Agriculture for Northern Ireland (hereinafter called "the Ministry of Agriculture") of the second part and James Scott Gordon of Beaconsfield, Knock Road, in the city of Belfast, Permanent Secretary of the Ministry of Agriculture, James Pimlott of Wyverdale, Glen Road, Comber, in the County of Down, Chief Inspector of the Ministry of Agriculture, Josias Cunningham of Glencairn, Glencairn Road, in the City of Belfast, Farmer and Manufacturer, George Scott Robertson of Glenaltans, King's Road, in the city of Belfast, Head of the Department of Agricultural Chemistry in the Queen's University of Belfast, Robert Rae of 112, Malone Avenue, in the city of Belfast, Head of the Department of Crop and Animal Husbandry in the Queen's University of Belfast, William Robert Morrow of Ben Vista, Knock, in the County of Down, Farmer, Alexander John McDonnell Pilkington of Parkmore in the County of Antrim, Farmer, John Martin Mark of The Banks, Limavady, in the County of Londonderry, Solicitor and Farmer, and Harold Adrian Milne Barbour of Strathearne, Dunmurry, in the County of Antrim, Linen Thread Manufacturer (hereinafter called "The Trustees"), of the third part

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A.D. 1927.

WHEREAS it has been agreed between the Commissioners of His Majesty's Public Works and Buildings of the one part and the Ministry of Finance of the other part that the lands known as the Great Park situate at Hillsborough in the County of Down shall be conveyed to the Ministry of Finance and it is intended that the conveyance to the said lands shall be executed as soon as may be

AND WHEREAS the Ministry of Finance and the Ministry of Agriculture are desirous that there shall be established within the said Great Park an Agricultural Research Station (hereinafter referred to as "the Station") for the purpose of carrying out research in animal nutrition and conducting experiments and investigations relating to animals and to crops

AND WHEREAS it has been represented to the Ministry of Finance that persons representing the Ministry of Agriculture, the Faculty of Agriculture of the Queen's University of Belfast, the Ulster Farmers' Union and the Ulster Agricultural Organization Society (hereinafter referred to as "the Nominating Bodies") are desirous of undertaking the control and management of the Station

AND WHEREAS the Trustees have been selected as such representatives as aforesaid by the Nominating Bodies as follows:—

The said James Scott Gordon James Pimlott and Josias Cunningham by the Ministry of Agriculture

The said George Scott Robertson and Robert Rae by the Faculty of Agriculture of Queen's University

The said William Robert Morrow Alexander John McDonnell Pilkington and John Martin Mark by the Ulster Farmers' Union and

The said Harold Adrian Milne Barbour by the Ulster Agricultural Organization Society

AND WHEREAS it is intended that a Bill shall be introduced into the Parliament of Northern Ireland for the confirmation of this agreement so soon as the said intended conveyance shall have been executed

NOW THIS INDENTURE WITNESSETH that it is hereby agreed by and between the parties hereto as follows:—

1. (*a*) The Ministry of Finance shall permit the Trustees to use and occupy all that part of the Great Park situate at Hillsborough in the County of Down, containing 485 acres 2 roods and 13 perches statute measure, or thereabouts, as shown on the map hereto annexed and thereupon edged red, together with all buildings and appurtenances on the said lands, as an Agricultural Research Station for the purposes hereinbefore mentioned.

(*b*) The Ministry of Finance shall also permit the Trustees to use and occupy three cottages at the main entrance to the said Great Park, and one cottage known as the Upper Lodge at the rear entrance of the said Great Park, the boundaries of

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which cottages are also shown on the said map and the sites whereof are on the said map edged red.

(*c*) The Ministry of Finance shall permit the Trustees to have access to the said lands over the roadways coloured green on the said map and to have the right to reasonable use of the road coloured blue on the said map.

(*d*) The Ministry of Finance shall permit the Trustees to draw water from the lake adjoining the said land for the purpose of watering cattle or other animals.

Provided that—

(i.) The Ministry of Finance and the Ministry of Agriculture shall have the right to use the roads coloured yellow on the said map for persons on foot or with horses carts or other vehicles and live stock and the said Ministries undertake to make good any exceptional damage caused to the said roads by the transport thereon of felled timber but felled timber shall not be transported between the points marked D. and E. and points marked F. and G. on the said map save with the consent of the Trustees previously obtained in writing.

(ii.) The Ministry of Finance shall have the right to make borings sink wells and carry out such other operations in the field marked A. on the said map as it may deem necessary for the purposes of the water supply to Hillsborough Castle and no similar operations shall be undertaken by the Trustees thereon or adjacent thereto.

(iii.) The field marked B. on the said map shall be utilized by the Trustees for grazing purposes only.

(iv.) Plans for altering the sanitary arrangements of existing buildings and plans of the sanitary arrangements of new buildings shall be submitted by the Trustees to the Ministry of Finance for approval and no such alteration or new sanitary arrangement shall be made without such approval.

(v.) The Trustees shall at all times prevent their animals or any animals by them permitted to be on the said lands from approaching the said lake and for the purpose of preventing the access of any such animals to the said lake shall erect such fences as may be required by the Ministry of Finance.

2. There shall be paid by the Ministry of Finance to the Trustees on such dates as may be agreed upon such sums as may be provided by the Parliament of Northern Ireland not exceeding in the whole the sum of thirty thousand pounds.

3. The moneys paid to the Trustees under the provisions of paragraph two of these presents shall be used by the Trustees as a Capital Fund for the erection of new buildings the initial reconditioning of existing buildings their alteration and extension the purchase of equipment and stock and for like purposes in connexion with the Station.

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A.D. 1927.

4. There shall be paid by the Ministry of Finance to the Trustees from time to time and in no case later than the thirty-first day of March Nineteen hundred and thirty-two such further sums as may be provided by Parliament not exceeding in the whole sixty thousand pounds.

5. The moneys paid to the Trustees under the provisions of paragraph four of these presents shall be placed to an Endowment Fund and invested in securities approved by the Ministry of Finance and the interest accruing therefrom shall be used for the purpose of providing for the upkeep maintenance and staffing of the Station as more specifically stated in paragraphs 6 and 7 of these presents and there shall be paid by the Ministry of Finance to the Trustees subject to the necessary moneys being provided annually by Parliament such annual sum (hereinafter referred to as "the interim payment") as when added to the interest on the amount for the time being paid to the Trustees on foot of the Endowment Fund and the interest on any unexpended balance of the Capital Fund may be agreed between the Trustees and the Ministry of Finance to be necessary for the upkeep and maintenance of the Station but the total of the interim payment and the interest received by the Trustees in respect of the Endowment Fund and Capital Fund as aforesaid shall not exceed three thousand pounds in any year nor shall any interim payment be made after the full amount of sixty thousand pounds has been paid to the Trustees as aforesaid.

6. The Trustees shall out of the income of the said Endowment Fund maintain in good and substantial repair both internally and externally all existing buildings and all buildings to be erected and extended by them and all plant and machinery and keep in good order and repair all roads fences and erections on the said lands and also the roads coloured green on the map hereto annexed and preserve the amenities of the said lands and will not use the said lands and buildings for any purposes other than those of the Station.

7. The Trustees shall appoint and shall pay out of the said Endowment Fund all such staff as may be necessary to carry out the purposes for which the Station is established and shall provide such facilities as the Ministry of Agriculture may reasonably require for the training of students.

8. The Trustees shall have power to carry out all such transactions as may be necessary or proper for the purposes of the Station and in particular to purchase and sell stock to conduct experiments for any public department or body or any private person to charge fees for services rendered privileges afforded and work done and to receive gifts and bequests for the purposes of the Station.

9. The Trustees shall keep such accounts as may be required by the Ministry of Agriculture and shall make provision for the audit of such accounts by an auditor or auditors to be approved by the Ministry of Finance and shall publish their accounts so audited annually together with an annual report of their proceedings.

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A.D. 1927.

10. The Ministry of Finance may at its option do all such things and make all such payments as are herein provided to be done by the said Ministry through the agency of the Ministry of Agriculture.

11. If at any time in the opinion of the Ministry of Agriculture the lands and the funds or either of them or any part of either of them is or are not being administered in accordance with the provisions of this agreement or the Station is no longer required for the purposes for which it has been established then the right of the Trustees to use and occupy the said lands shall cease and determine and thereupon the Endowment Fund together with any accumulated interest thereon and all other moneys or securities held by the Trustees and all chattels belonging to the Trustees for the purposes of the Station shall forthwith be delivered and transferred by the Trustees to the Ministry of Agriculture to be applied for such agricultural purposes as that Ministry with the consent of the Ministry of Finance shall determine.

12.—(*a*) Whenever a vacancy shall happen in the number of the Trustees a new Trustee shall forthwith be appointed to fill such vacancy.

(*b*) The mode of appointing a new Trustee hereof in the place of an original Trustee or any Trustee succeeding mediately or immediately in his place shall be vested in such one of the Nominating Bodies as nominated the original Trustee.

(*c*) Trustees representing the Ministry of Agriculture shall if established officers on the staff of the Ministry of Agriculture hold office so long as they continue to be officials of that Ministry or until a new Trustee has been nominated by the Ministry of Agriculture in their place: Trustees representing the Faculty of Agriculture of Queen's University shall hold office so long as they continue to hold the appointments hereinbefore mentioned: the other Trustees shall hold office for a period of five years.

(*d*) A Trustee nominated to fill a casual vacancy shall hold office only so long as the Trustee in whose place he is appointed would have held office.

(*e*) If a new Trustee shall not be appointed within six months of the occurrence of a vacancy the Ministry of Finance may appoint a new Trustee to fill such vacancy.

13. These presents are conditional on their confirmation by an Act of Parliament of Northern Ireland as hereinbefore recited and the said intended Act may contain provisions for incorporating the Trustees and for giving effect to the agreement herein contained so that it may bind the Trustees so incorporated.

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A.D. 1927.

IN WITNESS whereof the Ministry of Finance and the Ministry of Agriculture have caused their respective official seals to be hereunto affixed and the parties hereto of the third part have hereunto set their respective hands and seals the day and year first above written.

The Official Seal of the within-named Ministry of Finance was affixed to the within-written Indenture in the presence of

H. M. POLLOCK,
MINISTER OF FINANCE.

L. S.

The Official Seal of the within-named Ministry of Agriculture was affixed to the within-written Indenture in the presence of

E. M. ARCHDALE,
MINISTER OF AGRICULTURE.

L. S.

Signed Sealed and Delivered by the within-named
JAMES SCOTT GORDON
JAMES PIMLOTT
JOSIAS CUNNINGHAM
GEORGE SCOTT ROBERTSON
ROBERT RAE
in the presence of
J. V. COYLE.

JAMES SCOTT GORDON. (SEAL).

JAMES PIMLOTT. ,,

JOSIAS CUNNINGHAM. ,,

GEORGE SCOTT ROBERTSON. ,,

ROBERT RAE. ,,

WILLIAM ROBERT MORROW
in the presence of
THOMAS MCDOWELL.

WILLIAM ROBERT MORROW. ,,

ALEXANDER JOHN MCDONNELL PILKINGTON
in the presence of
THOMAS MCDOWELL.

ALEXANDER JOHN MCDONNELL PILKINGTON. ,,

JOHN MARTIN MARK
in the presence of
THOMAS MCDOWELL.

JOHN MARTIN MARK. ,,

HAROLD ADRIAN MILNE BARBOUR
in the presence of
J. V. COYLE.

HAROLD A. M. BARBOUR. ,,

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CHAPTER 2.

A.D. 1927.

An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the years ending on the thirty-first day of March, nineteen hundred and twenty-seven, and the thirty-first day of March, nineteen hundred and twenty-eight. [31st March, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows :—

Issue of £158,157 out of the Consolidated Fund for the service of the year ending 31st March, 1927.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-seven, the sum of one hundred and fifty-eight thousand, one hundred and fifty-seven pounds.

Issue of £1,981,450 out of the Consolidated Fund for the service of the year ending 31st March, 1928.

2. The Ministry of Finance may issue out of the said Consolidated Fund, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-eight, the sum of one million, nine hundred and eighty-one thousand, four hundred and fifty pounds.

Power for the Ministry of Finance to borrow.

3.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the aforesaid sums, any sum or sums not exceeding in the whole one million pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-eight, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

40 & 41 Vict. c. 2.

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A.D. 1927.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title

4. This Act may be cited as the Consolidated Fund Act (Northern Ireland), 1927.

CHAPTER 3.

An Act to amend the law relating to injury to certain classes of live stock by dogs.

[26th April, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Chasing and worrying of cattle, horses and sheep by dogs.

1.—(1) It shall be a valid defence to an action for damages for the shooting of a dog to prove that the dog was shot when chasing or worrying cattle on land on which such cattle are kept or depastured :

Provided that this Act shall apply only in cases where the action is taken against—

(*a*) the owner or occupier of such land ; or

(*b*) the owner of the cattle kept or depastured thereon ; or

(*c*) a member of the family, or person in the employment, of any such owner or occupier of land or owner of cattle as aforesaid ;

and where the person against whom the action is taken proves that within forty-eight hours after the dog was shot notice of the shooting was given to the officer or

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constable in charge of the Royal Ulster Constabulary station nearest to the place where it occurred. A.D. 1927.

(2) In this Act the expression "cattle" includes horses and sheep.

2. This Act may be cited as the Dogs Act (Northern Ireland), 1927. **Short title.**

CHAPTER 4.

An Act to amend the Labourers Act (Northern Ireland), 1923, in its application to certain loans and advances under the Labourers Acts (Northern Ireland), 1883 to 1923.

[26th April, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The provisions of sub-section (2) of section one of the Labourers Act (Northern Ireland), 1923, shall not apply to schemes approved for the provision of cottages and allotments under the Labourers Acts (Northern Ireland), 1883 to 1923, in any case where the petition for confirmation of the scheme is lodged with the Ministry of Home Affairs on or at any time after the first day of April, nineteen hundred and twenty-seven. **Parliamentary grant in aid of repayment of loans for new schemes.** 13 & 14 Geo. 5. c. 23

(2) In relation to schemes approved as aforesaid, where the petition for confirmation is lodged with the said Ministry on or after the said first day of April, but not later than the thirty-first day of March, nineteen hundred and thirty, the Labourers Act (Northern Ireland), 1923, shall have effect as if the following sub-section were substituted for sub-section (2) of section one thereof:—

"(2A) (i) There shall be paid in each financial year out of moneys provided by Parliament to the councils of the several rural districts in Northern Ireland, by whom loans have been borrowed in

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A.D. 1927.

pursuance of new schemes, such sums as may be certified to be payable under this sub-section; and the sums so certified shall be applied towards the repayment of those loans.

"The sum payable under this sub-section in any year to the council of a rural district shall be a sum equivalent to forty pounds per cent. of the annual loan charge of the council, or, if the period for the repayment of the loan is shorter than thirty-five years, a sum equivalent to such less percentage of the annual loan charge as may be determined by the Ministry of Home Affairs with the approval of the Ministry of Finance: Provided that no payment shall be made under this sub-section in respect of any portion of the annual loan charge which arises from—

"(*a*) expenditure causing the total capital cost of a scheme to exceed three hundred and fifty pounds for each cottage to be provided; or

"(*b*) the payment of interest, so far as it exceeds interest at the rate in force, on the date of borrowing, for similar borrowings from the Government Loans Fund.

"(ii) In this sub-section the expression 'new schemes' means schemes approved for the provision of cottages and allotments under the Labourers' Acts (Northern Ireland), 1883 to 1923, where the petition for confirmation of the scheme is lodged with the Ministry of Home Affairs on or after the first day of April, nineteen hundred and twenty-seven, but not later than the thirty-first day of March, nineteen hundred and thirty, and the expression 'annual loan charge' means the sum which a rural district council is liable to pay or to set apart in the course of a financial year in respect of the repayment of a loan borrowed in pursuance of a new scheme."

Short title and construction.

2. This Act may be cited as the Labourers' Cottages (Loans) Act (Northern Ireland), 1927, and shall be construed as one with the Labourers Acts (Northern Ireland),

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1883 to 1923; and those Acts and this Act may be cited together as the Labourers Acts (Northern Ireland), 1883 to 1927. A.D. 1927.

CHAPTER 5.

An Act to alter the allocation of certain salaries which are payable under the Salaries of Ministerial Offices Act, 1921 [N.I.].

[26th April, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of 12 Geo. 5, c. 9.

1.—(1) The Salaries of Ministerial Offices Act, 1921 [N.I.] shall have effect as if in the Schedule to the said Act—

(*a*) a reference to the Minister of Agriculture were substituted for the reference to the Minister of Agriculture and Commerce; and

(*b*) a reference to the Parliamentary Secretary of the Ministry of Education were substituted for the reference to the Parliamentary Secretary of the Ministries of Education and Commerce.

(2) The said Act shall have effect as if there were inserted in paragraph (*b*) of sub-section (1) of section one, after the words " those persons," the following words :—

"or, if any of those persons are not in receipt of salary as such members, then amongst so many of them as are in receipt of salary : "

(3) This Act shall be deemed to have had effect as from the eleventh day of April, nineteen hundred and twenty-five.

Short title.

2.—This Act may be cited as the Salaries of Ministerial Offices Act (Northern Ireland), 1927.

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A.D. 1927.

CHAPTER 6.

An Act to regulate the sale on commission of horticultural produce. [31st May, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Duty of salesman to record and deliver particulars of sales.

1.—(1) Where in the case of any horticultural produce consigned for sale on commission the salesman makes a charge by way of commission or otherwise, he shall enter in a book kept by him for the purpose the names of the owner or consignor of the produce and of every purchaser, and the price paid or agreed to be paid by each purchaser, and shall as soon as practicable after the sale send by post or deliver to the owner or consignor an account containing the following particulars :—

(*a*) the actual price paid or agreed to be paid for the produce, and where there is any variation in price, the number, weight or quantity sold, or agreed to be sold, at each price ; and

(*b*) the commission or other charge made by the salesman for selling the produce, together with details of any charges made for services in connection with the sale ; and

(*c*) the amounts, if any, paid or payable by the salesman on behalf of the owner or consignor in connection with the sale, with details thereof.

(2) If on any such sale as aforesaid any produce is bought by the salesman or by any person on his behalf, the fact shall be stated in the account ; but nothing in this provision shall be construed as rendering any such transaction, if otherwise illegal, legal.

(3) If any person fails to make any entry, or send or deliver any account, or sends an account not containing the particulars required by this section, or makes an entry or sends or delivers an account which is false in any material particular, he shall be liable on summary conviction in the case of a first offence to a

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fine not exceeding twenty pounds, and in the case of a subsequent offence to a fine not exceeding one hundred pounds:

Provided that in any proceedings under this section if the defendant proves to the satisfaction of the court that the offence was due to a bonâ fide mistake or accident, in spite of all reasonable precautions being taken and all due diligence exercised by the defendant to prevent the occurrence of such offence, or the offence was due to the action of some person over whom the defendant had no control, the defendant shall be discharged from the prosecution.

(4) The provisions of this Act shall not apply to the sale of horticultural produce unless the owner or consignor sends to the salesman, before the sale, an advice note specifying the nature and description of the packages consigned and the contents thereof.

Inspection of books, &c.

2. The owner or consignor of any such produce may within ten days of the delivery to him of an account in pursuance of this Act, by notice in writing, require the salesman to produce any records, books, or documents in his possession, so far as they relate to the sale of such produce, for inspection by an accountant nominated by the owner or consignor, being an accountant possessing such qualifications as may be prescribed by the Ministry of Agriculture, and if the salesman refuses or fails to produce for inspection, or destroys or obliterates, any such records, books or documents, or obstructs the accountant in any such inspection, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Interpretation.

3.—(1) In this Act the expression "horticultural produce" means vegetables, fruit, flowers and plants.

(2) For the purposes of this Act, produce consigned for sale shall be deemed to have been consigned for sale on commission unless at or before the sale of the produce—

(*a*) the salesman has received from the owner or consignor a direction in writing to the contrary; or

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(*b*) the owner or consignor and the salesman have entered into an agreement in writing to the contrary;

and any such agreement may apply either to a particular consignment or generally to all such consignments as may be specified in the agreement.

(3) Where the owner or consignor of any horticultural produce has appointed a person to act as his agent for the purposes of this Act, anything by this Act authorised or required to be done to or by the owner or consignor may be done to or by such agent.

Short title.

4. This Act may be cited as the Horticultural Produce (Sales on Commission) Act (Northern Ireland), 1927.

CHAPTER 7.

An Act to make better provision for the protection against lead poisoning of persons employed in painting buildings. [31st May, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Regulations as to use of lead paint.

1.—(1) The Ministry of Labour may make regulations for preventing danger from lead paint to persons employed in or in connection with the painting of buildings, and in particular—

(*a*) for prohibiting the use of any lead compound except in the form of paste or of paint ready for use;

(*b*) for the prevention of danger arising from the application of lead paint in the form of spray;

(*c*) for prohibiting dry rubbing down and scraping;

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(*d*) for providing for the periodical medical examination of persons employed in or in connection with painting with lead paint, and for the suspension from such employment of persons whose health is or appears likely to be injuriously affected thereby;

(*e*) for securing that facilities for washing during, and on cessation of, work are afforded to persons employed in or in connection with painting;

(*f*) for the use of protective clothing by persons so employed and for preventing clothes left off during work from being soiled by paint; and

(*g*) for the distribution to persons so employed of instructions with regard to hygienic precautions to be taken.

(2) The provisions of sections eighty, eighty-one and eighty-four of the Factory and Workshop Act, 1901, and sub-section (1) of section four of the Rules Publication Act (Northern Ireland), 1925 (which relate to procedure in connection with the making of regulations), shall apply as respects regulations made under this section.

1 Edw. 7, c. 22.
15 & 16 Geo. 5, c. 6.

Prohibition of employment of women, young persons and children in painting buildings with lead paint.

2. On and after the nineteenth day of November, nineteen hundred and twenty-seven, it shall not be lawful to employ any woman, young person or child in painting any part of a building with lead paint:

Provided that this section shall not apply to the employment of—

(*a*) persons employed as apprentices in the painting trade under arrangements approved by an order of the Ministry of Labour made after consultation with the organisations, if any, representative of the employers and workers in the trade; or

(*b*) women or young persons in such special decorative or other work (not being work of an industrial character) as may be excluded from the provisions of this section by an order of the Ministry of Labour; or

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(c) women who at the passing of this Act are employed in any trade which involves as part of their occupation such painting as aforesaid.

Application of certain provisions of the Factory and Workshop Act, 1901.

3. The provisions of section seventy-three (so far as it relates to notification of cases of lead poisoning), sections eighty-five and eighty-six (which relate respectively to breaches and publication of regulations), sections one hundred and nineteen to one hundred and twenty-one (which relate to powers and duties of inspectors), and Part IX. (which relates to legal proceedings) of the Factory and Workshop Act, 1901, shall apply in any case where persons are employed in painting buildings as if the places where they are employed were factories, and as if the persons by whom they are employed were the occupiers of the factories, and with such further or other modifications as may be made by order of the Ministry of Labour for the purpose of making those provisions applicable to the painting of buildings.

Registers, returns, &c.

4.—(1) Every person who employs persons in painting buildings shall send to the Ministry of Labour a notice in writing stating his name and the address of his office, and shall keep at his office a register which shall be available for inspection by an inspector of factories at all reasonable times, containing such particulars as to the persons so employed by him, and as to the work on which they are employed, as may be prescribed, and shall make such returns to the Ministry of Labour as may be prescribed:

Provided that this section shall not apply where the persons employed are persons whose ordinary occupation does not include the painting of buildings.

(2) Any person failing to comply with the requirements of this section shall be liable on summary conviction to a fine not exceeding three pounds.

Power to take samples.

5.—(1) Where an inspector under the Factory and Workshop Act, 1901, suspects that any substance used or intended for use in painting a building contains a lead compound, he may at any time take for analysis sufficient samples of that substance.

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(2) If any person who employs persons in painting buildings refuses to allow an inspector to take samples in pursuance of this section, or to give him facilities for the purpose, he shall be liable on summary conviction to a fine not exceeding three pounds:

Provided that any such person may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into two parts and to mark and seal and deliver to him one such part.

(3) A certificate purporting to be a certificate by the officer appointed to act as Government Chemist for Northern Ireland as to the result of an analysis of a sample under this section shall, in any proceedings under this Act, be evidence of the matters stated therein, unless either party requires the person by whom the analysis was made to be called as a witness.

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for a contravention of this Act, to publish or disclose to any person the results of an analysis made under this section.

If any person acts in contravention of the provisions of this sub-section, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Application to employment under the Crown.

6. This Act shall apply where persons are employed in painting buildings by or under the Crown in like manner as if the employers were private persons.

Definitions.

7. In this Act the expression "lead paint" means any paint, paste, spray, stopping, filling, or other material used in painting which, when treated in a manner prescribed by rules made by the Ministry of Labour, yields to an aqueous solution of hydro-chloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis; and the expression "building" includes fixtures.

Short title and construction.

8. This Act may be cited as the Lead Paint (Protection against Poisoning) Act (Northern Ireland),

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1927, and shall be construed as one with the Factory and Workshop Acts, 1901 to 1920; and references in this Act to enactments of the said Acts shall be construed as references to those enactments as they apply in Northern Ireland.

CHAPTER 8.

An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1926, by increasing the amount of loans which may be guaranteed under the said Acts.

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 12 & 13 Geo. 5, c. 24, 13 & 14 Geo. 5, c. 15, s. 9 of 13 & 14 Geo. 5, c. 26, 14 Geo. 5, c. 2, 15 Geo. 5, c. 2, 16 Geo. 5, c. 3, and 16 & 17 Geo. 5, c 19

1. The maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under sub-section (1) of section one of the Loans Guarantee Act (Northern Ireland), 1922, as amended by subsequent enactments of the Loans Guarantee Acts (Northern Ireland), 1922 to 1926, shall be increased from nine million pounds to ten million, five hundred thousand pounds.

Short title and citation.

2. This Act may be cited as the Loans Guarantee Act (Northern Ireland), 1927, and the Loans Guarantee Acts (Northern Ireland), 1922 to 1926, and this Act may be cited together as the Loans Guarantee Acts (Northern Ireland), 1922 to 1927.

CHAPTER 9.

An Act to empower railway companies to provide and run road vehicles. [31st May, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

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Provision and running of road vehicles by railway companies.

1.—(1) It shall be lawful for any railway company whose railway system is situate wholly or partly in Northern Ireland, to provide, own and maintain omnibuses, coaches and other vehicles moved, propelled or drawn by mechanical or animal power (in this Act referred to as "road vehicles") and to use and run road vehicles upon public highways for the conveyance of passengers and passengers' luggage and the carriage of merchandise; and for the purposes of this Act any such railway company shall have the following powers:—

(*a*) To demand and take fares and charges in connection with such conveyance and carriage as aforesaid;

(*b*) To provide and equip garages, workshops, offices and other buildings in connection with the exercise of the powers conferred upon such railway company by this Act;

(*c*) To apply their funds in connection with the exercise of any of their aforesaid powers; and

(*d*) From time to time to raise such moneys as may be necessary for the purpose of providing road vehicles, garages, workshops, offices, machinery, plant and equipment in connection with the exercise of their aforesaid powers, as if that purpose were a purpose for which such railway company may, by virtue of their powers as existing immediately before the passing of this Act, raise money by borrowing or by the creation and issue of new stock as additional capital, and subject to any limitations applicable to the exercise of their last-mentioned powers.

16 & 17 Geo. 5, c. 31.

(2) The provisions of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926, or of any other enactment (including regulations or bye-laws made under any such provisions) which apply to the use of vehicles of any class or description on public highways, and to the licensing and regulation of such vehicles and the drivers and conductors thereof, shall apply and have effect in connection with the use by any such railway company of road vehicles of that class or description on public highways, and for the purpose of the licensing and regulation of the drivers and conductors thereof.

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(3) Save as provided by the foregoing provisions of this section, the powers conferred upon any such railway company by this Act may be exercised, notwithstanding the provisions of any enactment for the regulation of railway undertakings, or for restricting the operation of any particular railway undertaking or the powers of any such railway company.

(4) For the purposes of this Act—

The expression "railway company" includes a committee of a railway company and any person or body being the owner or lessee of or working any railway constructed or carried on under the powers of any enactment:

The expression "merchandise" includes goods, minerals, live stock and animals of all descriptions:

The expression "enactment" includes a local Act and an Order confirmed by, or having the effect of, an Act.

Short title.

2. This Act may be cited as the Railways (Road Vehicles) Act (Northern Ireland), 1927.

CHAPTER 10.

An Act to make further provision for the bringing into account of the Northern Ireland residuary share of reserved taxes, and for payments to the reserve fund, and to charge on the Consolidated Fund certain sums for the purposes of agriculture and housing. [31st May, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Regulations for bringing into account the residuary share of reserved taxes.

1. The Ministry of Finance may make such regulations as are necessary in order to ensure that all adjustments of the Northern Ireland residuary share of reserved

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taxes made under regulations of the Joint Exchequer Board shall be dealt with as if they had been brought into the account of the Exchequer for the financial year to which each such adjustment relates, and had been eliminated from the account of any other financial year; and such regulations may provide—

(*a*) for the making of transfers between the Exchequer and the reserve fund created under sub-section (2) of section two of the Exchequer and Financial Provisions Act (Northern Ireland), 1923 (in this Act referred to as "the Act of 1923");

13 Geo. 5, c. 4.

(*b*) for the creation, in connection with such transfers, of a residuary share suspense account and for the temporary investment of moneys from time to time standing to the credit of that suspense account;

(*c*) for excluding from the operation of such regulations as aforesaid adjustments made in the month of April in any financial year and relating to the financial year immediately preceding;

but no regulations made under this section shall have effect so as to authorise the transfer from the said reserve fund, in respect of any financial year, of a total sum greater than the sum which was paid into that fund from the annual surplus of that financial year under sub-section (2) of section two of the Act of 1923.

Issues from Consolidated Fund to reserve fund.

2. There shall be charged on the Consolidated Fund and issued thereout to the reserve fund created as aforesaid, to be applied towards the reduction of capital liabilities in connection with the public debt of Northern Ireland in accordance with the provisions of section two of the Act of 1923, the following sums:—

(i) In the financial year ending on the thirty-first day of March, nineteen hundred and twenty-eight, the sum of one hundred thousand pounds; and

(ii) In each subsequent financial year such sums (if any), not exceeding one hundred thousand pounds in any one year, as the Ministry of Finance may determine.

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Issues from Consolidated Fund for agricultural development.

3.—(1) There shall be charged on and issued out of the Consolidated Fund, in the financial year ending on the thirty-first day of March, nineteen hundred and twenty-eight, the sum of forty thousand pounds; and the said sum shall be placed to the credit of a fund to be held by the Ministry of Finance and called "the Agricultural Development Fund."

(2) The Agricultural Development Fund shall be applied towards such schemes of agricultural development as may, with the consent of the Ministry of Finance, be approved by the Ministry of Agriculture after the passing of this Act as being properly chargeable to the said Fund; and the Ministry of Finance shall, in accordance with the prescribed regulations, from time to time issue out of the Agricultural Development Fund to committees or joint committees appointed under section fourteen of the Agriculture and Technical Instruction (Ireland) Act, 1899, such sums as the Ministry of Agriculture may certify to be required for the administration of the said schemes by those committees.

62 & 63 Vict. c. 50.

(3) The Ministry of Finance may from time to time, and in such manner as it may determine, invest any moneys standing to the credit of the Agricultural Development Fund, and the income arising from any such investments shall be paid into the said Fund.

(4) The Ministry of Finance shall keep in the prescribed form accounts with respect to all moneys placed to the credit of, or issued by that Ministry out of, the Agricultural Development Fund, and with respect to investments or other dispositions of money by that Ministry in connection with the said Fund, and the said accounts shall be submitted to the Comptroller and Auditor-General in the prescribed form and audited by him; and the provisions of sub-section (3) of section six of the Act of 1923 shall apply accordingly.

Issues from Consolidated Fund to Land Trust in aid of housing.

4. There shall be charged on and paid out of the Consolidated Fund to the Irish Sailors and Soldiers Land Trust such sums, not exceeding in the whole a sum of thirty thousand pounds, as the Ministry of Finance may from time to time certify to be payable under this section

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in respect of houses constructed in Northern Ireland by the said Trust, and commenced on or after the first day of January, nineteen hundred and twenty-six. A.D. 1927.

No sum shall be payable under this section—

(*a*) at a higher rate than eighty pounds in respect of each house constructed, or

(*b*) in respect of any house, unless the Ministry of Finance is satisfied that the house would comply with the conditions as to type, size and workmanship which are required to be complied with in the case of grants made under section one of the Housing Act (Northern Ireland), 1923 (as amended by any enactment for the time being in force), if that section were applicable to houses constructed by the said Trust. 13 & 14 Geo. 5, c. 30.

5. This Act may be cited as the Exchequer and Financial Provisions Act (Northern Ireland), 1927, and shall be construed as one with the Act of 1923 and the enactments amending that Act. Short title and construction.

CHAPTER 11.

An Act to alter the Rate of Entertainments Duty, to amend the Law relating to certain Duties of Inland Revenue (including Excise), and to make provision for Relief in respect of Double Taxation as between Northern Ireland and Great Britain and as between Northern Ireland and the Irish Free State, and for purposes connected therewith. [31st May, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

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Entertainments Duty.

Rate of entertainments duty. 6 Geo. 5, c. 11.

1. As from the first day of June, nineteen hundred and twenty-seven, entertainments duty within the meaning of the Finance (New Duties) Act, 1916 (in this Act referred to as "entertainments duty") shall be charged at the rate set out in the First Schedule to this Act.

Exemption of certain games, &c. from entertainments duty.

2.—(1) As from the first day of June, nineteen hundred and twenty-seven, entertainments duty shall not be charged or levied on payments for admission to any entertainment as respects which it is proved to the satisfaction of the Ministry of Finance that the entertainment consists solely of an exhibition of all or any of the following games or sports, that is to say:—

(i) Any games or sports which are ordinarily played or contested indoors by two or more persons or two or more groups of persons, and at or in connection with which no money is awarded or paid to any of the contestants whether as prizes, remuneration or otherwise;

(ii) Any games or sports which are ordinarily played or contested out-of-doors by two or more persons or by two or more groups of persons, and do not involve the use or participation of horses, dogs, or other animals, or the use of mechanically propelled vehicles;

or consists solely of an exhibition of any of the games or sports described in paragraph (ii) of this sub-section, together with a performance of music by a band.

13 & 14 Geo. 5, c. 26. 14 & 15 Geo. 5, c. 19.

(2) Paragraph (*b*) of sub-section (1) of section one of the Finance Act (Northern Ireland), 1923, as amended by section two of the Finance Act (Northern Ireland), 1924 (which gives relief from entertainments duty in the case of certain entertainments) shall be amended by the addition at the end of that paragraph of the words "or consists solely of such exhibitions or displays of skill, together with an exhibition of any of the games or sports which are exempt from entertainments duty by virtue of section two of the Finance Act (Northern Ireland), 1927."

Exemption of agricultural shows from entertainments duty.

3. As from the first day of June, nineteen hundred and twenty-seven, entertainments duty shall not be charged or levied on payments for admission to any entertainment as respects which it is proved to the satisfaction of the Ministry of Finance—

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(*a*) that the entertainment is provided for the purpose of promoting the interest of agriculture by a society (not established or conducted for profit) which is in receipt of a grant of money given by a county committee of agriculture with the approval of the Ministry of Agriculture; and

(*b*) that the entertainment consists mainly of exhibitions, displays of skill or performances of such a character as would, if the entertainment consisted solely thereof, render the entertainment exempt from duty by virtue of paragraph (*b*) (i) of sub-section (1) of section one of the Finance Act (Northern Ireland), 1923, as amended by section two of the Finance Act (Northern Ireland), 1924, and by this Act.

Provision for repayments in cases of alteration of duty.

4. The foregoing provisions of this Act shall have effect in relation to any payment made before the first day of June, nineteen hundred and twenty-seven, for admission to an entertainment to be held on or after that date as if the payment had been made on or after that date, and where duty has been charged on any such payments at the rate in force before that date the person by whom the duty was paid shall be entitled to repayment of the difference between the amount actually paid and the amount, if any, which would have been chargeable on the said payment if it had been made on or after that date.

Death Duties.

Repeal of s. 16 of 7 Edw. 7, c. 13. 63 & 64 Vict. c. 7.

5. Section sixteen of the Finance Act, 1907 (which provides that settled property to which sub-section (2) of section twelve of the Finance Act, 1900, applies, instead of being aggregated with other property to a limited extent only under the said section twelve, shall, in the case of persons dying on or after the nineteenth day of April, nineteen hundred and seven, be treated as an estate by itself), shall be repealed so far as relates to persons dying after the commencement of this Act:

57 & 58 Vict. c. 30.

Provided that where an interest in expectancy within the meaning of Part I. of the Finance Act, 1894, in any property has before the twelfth day of May, nineteen hundred and twenty-seven, been bonâ fide sold or mortgaged for full consideration in money or

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money's worth, then no other duty on that property shall be payable by the purchaser or mortgagee when the interest falls into possession than would have been payable if this section had not passed, and in the case of a mortgage any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

Double taxation relief between Northern Ireland and Great Britain, and between Northern Ireland and the Irish Free State.

6.—(1) Where the Ministry of Finance is satisfied that, under a settlement of which the forum of administration is in Great Britain, succession duty has been paid, or is payable, in Great Britain in respect of any settled personal or moveable property by reason of the death of a person dying on or after the twenty-second day of November, nineteen hundred and twenty-one, a sum equal to the amount of that duty shall be allowed from the legacy duty or succession duty payable in Northern Ireland in respect of that property on the same death.

(2) Where the Ministry of Finance is satisfied that, under a settlement of which the forum of administration is in the Irish Free State, succession duty has been paid, or is payable, in the Irish Free State in respect of any settled personal or moveable property by reason of the death of a person dying on or after the first day of April, nineteen hundred and twenty-three, a sum equal to the amount of that duty shall be allowed from the legacy duty or succession duty payable in Northern Ireland in respect of that property on the same death.

Supplemental.

Construction and short title.

7.—(1) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(2) References in this Act to the Ministry of Finance shall be construed as references to that Ministry acting in the execution of the powers transferred to it either from the Commissioners of Inland Revenue or from the Commissioners of Customs and Excise (as the case may require), and as including references to any officer of a department of the Government of the United Kingdom who is acting in the execution of any such powers on behalf of that Ministry by virtue of an arrangement under section sixty-three of the Government of Ireland Act, 1920.

10 & 11 Geo. 5, c. 67.

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(3) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) This Act may be cited as the Finance Act (Northern Ireland), 1927.

FIRST SCHEDULE.

RATE OF ENTERTAINMENTS DUTY.

Section 1.

Amount of Payment.						Rate of Duty.
Where the amount of the payment for admission, excluding the amount of the duty—						
	s.	*d.*		*s.*	*d.*	*s.* *d.*
exceeds	0	6	and does not exceed	0	7	0 2
„	0	7	„ „	1	0	0 3
„	1	0	„ „	2	0	0 4
„	2	0	„ „	3	0	0 6
„	3	0	„ „	5	0	0 9
„	5	0	„ „	7	6	1 0
„	7	6	„ „	10	6	1 6
„	10	6	„ „	15	0	2 0
„	15	0				2 0 for the first 15*s.*, and 6*d.* for every 5*s.* or part of 5*s.* over 15*s.*

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Section 7 (3).

Session and Chapter.	Short Title.	Extent of Repeal.
7 Edw. 7, c. 13.	The Finance Act, 1907.	Section sixteen, so far as it relates to persons dying after the commencement of this Act.
6 Geo. 5, c. 11.	The Finance (New Duties) Act, 1916.	The scale of duty in sub-section (1) and paragraph (*c*) of sub-section (5) of section one, as from the first day of June, nineteen hundred and twenty-seven.

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SECOND SCHEDULE—(Continued).

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
7 & 8 Geo. 5, c. 31.	The Finance Act, 1917.	Section three, as from the first day of June, nineteen hundred and twenty-seven.
8 & 9 Geo. 5, c. 15.	The Finance Act, 1918.	Section eleven, as from the first day of June, nineteen hundred and twenty-seven.
9 & 10 Geo. 5, c. 32.	The Finance Act, 1919.	Section seven, as from the first day of June, nineteen hundred and twenty-seven.
11 & 12 Geo. 5, c. 32.	The Finance Act, 1921.	Section nine, as from the first day of June, nineteen hundred and twenty-seven.

CHAPTER 12.

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-eight, and to appropriate the Supplies granted in this Session of Parliament. [31st May, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance

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of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £5,098,052 out of the Consolidated Fund.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-eight, the sum of five million, ninety-eight thousand and fifty-two pounds.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole two million, five hundred thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-eight, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

40 & 41 Vict., c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of grants.

3. The sums granted by this Act and the other Act mentioned in Schedule (A) of this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the

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said Schedule, in the aggregate to the sum of seven million, two hundred and thirty-seven thousand, six hundred and fifty-nine pounds, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the several services and purposes expressed in Schedule (B) of this Act.

In addition to the sums hereby granted out of the said Consolidated Fund, there may be applied as appropriations in aid of the grants for the several services and purposes specified in Schedule (B) of this Act the sums respectively set forth in the last column of the said Schedule (B), and any of the sums set forth in that column may be so applied, notwithstanding that some part thereof may be derived from sums granted by Act of Parliament for other services specified in the said Schedule (B).

Declaration required in certain cases before receipt of sums appropriated.

4.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for civil or police non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Ministry of Finance before one of the persons prescribed by the warrant:

Provided that the Ministry of Finance may dispense with the production of a declaration under this section in respect of any payment if such a declaration has been subscribed within a period of three calendar months preceding the date of the payment.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

5. This Act may be cited as the Appropriation Act (Northern Ireland), 1927.

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Section 3.

SCHEDULE (A).

GRANTS OUT OF THE CONSOLIDATED FUND.

	£
For the service of the year ended on the 31st day of March, 1927 :—	
Under Act 17 Geo. 5, c. 2	158,157
For the service of the year ending on the 31st day of March, 1928 :—	
Under Act 17 Geo. 5, c. 2	1,981,450
Under this Act	5,098,052
TOTAL	£7,237,659

SCHEDULE (B).

PART I.

Section 3.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned for the year ended on the 31st day of March, 1927, viz. :—

No.		Sums Granted.	Appropriations in Aid.
	CLASS I.	£	£
1.	For the salaries and expenses of the Senate and of the House of Commons, including a grant in aid ..	2,750	—
	CLASS II.		
1.	For the salaries and expenses of the Ministry of Finance, including the administration of revenue services, valuation, registration, loan services, public works, charity funds, Stationery Office, teachers' pensions, old age pensions, Civil Service Commission, Ulster Savings Certificates, Loans Guarantee Act (Northern Ireland), 1922, Land Law Acts, collection of land purchase annuities and tithe rent charges, Intoxicating Liquor Act (Northern Ireland), 1923, and the Census of Northern Ireland, 1926	10	—

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SCHEDULE (B)—PART I.—*continued.*

No.		Sums Granted.	Appropriations in Aid.
	CLASS II.—*continued.*	£	£
3.	For expenditure in respect of public works and buildings	3,384	12,130
6.	For superannuation, compensation, compassionate, and additional allowances and gratuities under the Superannuation Acts; pensions and gratuities under the Civil Pensions Act (Northern Ireland), 1925, the Land Purchase (Ireland) Act, 1891, and the Church Temporalities Fund Act (Northern Ireland), 1922; non-statutory allowances and gratuities awarded by the Ministry of Finance; and in respect of workmen's compensation insurance	1,900	—
	CLASS III.		
3.	For the salaries and expenses of the Special Constabulary	10	14,955
6.	For the expenses of the Borstal Institution, reformatory, and industrial schools and places of detention ..	1,675	170
	CLASS IV.		
1.	For the salaries and certain expenses of the Ministry of Labour ..	54,098	*—30,550
	CLASS VII.		
2.	For the expenses of the Ministry of Commerce in respect of fisheries, harbours, railways, and commercial services, including certain grants in aid, a subvention in aid of wages in the coal-mining industry, and the loss incurred by the Ministry in the purchase and sale of imported coal during the stoppage in the coal industry	94,330	—

*Deficit.

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PART II. A.D. 1927

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1928, viz. :—

No.		Sums Granted.	Appropriations in Aid.
	CLASS I.	£	£
1.	For the salaries and expenses of the Senate and of the House of Commons, including a grant in aid ..	27,883	300
2.	For the salaries of the Department of the Prime Minister, the salaries of the Cabinet and of the Cabinet Secretariat, including the expenses of the Privy Council Office ..	12,135	—
3.	For a grant in aid of the Government Hospitality Fund	200	—
	CLASS II.		
1.	For the salaries and expenses of the Ministry of Finance, including the administration of revenue services, valuation, registration, loan services, public works, charity funds, Stationery Office, teachers' pensions, old age pensions, Civil Service Commission, Ulster Savings Certificates, Loans Guarantee Act (Northern Ireland), 1922, collection of land purchase annuities and tithe rent charges, the Census of Northern Ireland, 1926, and sundry agency services	177,319	25,715
2.	For the expenses of the Department of the Comptroller and Auditor-General	4,566	118
3.	For expenditure in respect of public works and buildings	181,534	125,518
4.	For stationery, printing, paper, binding, books and office supplies for the public service and for the Houses of Parliament and for production of the Belfast Gazette ..	1,760	27,975
5.	For old age pensions under the Old Age Pensions Acts and under the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925, and for pensions under the Blind Persons Act, 1920	1,271,400	350

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CLASS II.—Continued.	Sums Granted.	Appropriations in Aid.
No.	£	£
6. For superannuation, compensation, compassionate, and additional allowances and gratuities under the Superannuation Acts; pensions and gratuities under the Civil Pensions Act (Northern Ireland), 1925, the Land Purchase (Ireland) Act, 1891, and the Church Temporalities Fund Act (Northern Ireland), 1922; non-statutory allowances and gratuities awarded by the Ministry of Finance; and in respect of workmen's compensation insurance	3,005	—
7. For the salaries, allowances and expenses of the County Court services and Resident Magistrates, and sundry miscellaneous legal expenses, including certain grants in aid ..	25,276	3,585
8. For the expenses in respect of secret services	3,000	—
9. For the salaries and expenses of the Public Record Office	2,462	—
10. For a contributory payment towards interest charges under section 2 (1) (*b*) of the Loans Guarantee Act (Northern Ireland), 1926 ..	4,680	—
CLASS III.		
1. For the salaries and expenses of the Ministry of Home Affairs ..	60,110	10,435
2. For the salaries and expenses of the Royal Ulster Constabulary, including police women	771,242	77,260
3. For the salaries and expenses of the Special Constabulary	82,461	17,400
4. For the expenses of criminal prosecutions and other law charges, including the expenses of civil litigation and grant in relief of certain expenses payable by statute out of local rates	18,115	70
5. For the expenses of prisons and the maintenance of criminal lunatics ..	49,526	11,250
6. For the expenses of the Borstal Institution, reformatory, and industrial schools and places of detention ..	13,405	3,690
7. For grants to local authorities in respect of health, housing, etc., and in relief of local rates	420,821	—

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No.		Sums Granted.	Appropriations in Aid.
	CLASS IV.	£	£
1.	For the salaries and certain expenses of the Ministry of Labour ..	129,887	102,055
2.	For the contributions and grants in aid of the cost of benefits and expenses of administration under the National Health Insurance Acts	149,500	—
3.	For the contributions to the Unemployment Fund under the Unemployment Insurance Acts, and the Exchequer equalisation grant to the Unemployment Fund under the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926 ..	1,260,000	—
4.	For grants to local authorities, etc., for assistance in carrying out approved schemes to relieve unemployment and for expenses in connection with training unemployed persons for overseas settlement ..	158,511	—
5.	For the sum payable to the Ministry of Finance Pensions Account in accordance with the provisions of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925	140,000	—
	CLASS V.		
1.	For the salaries and expenses of the Ministry of Education	71,959	—
2.	For the expenses of educational services	1,794,570	33,100
	CLASS VI.		
1.	For the salaries and expenses of the Ministry of Agriculture ..	67,527	5
2.	For the expenses of the Ministry of Agriculture in respect of agricultural education and research, improvement of live stock, agricultural development, agricultural statistics and afforestation and diseases of animals, including sundry grants in aid and certain capital expenditure	113,625	30,142
3.	For the salaries and expenses of the Ministry of Agriculture in respect of Ordnance Survey and Geological Survey	8,785	1,020

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	Sums Granted.	Appropriations in Aid.
	£	£
CLASS VII.		
No.		
1. For the salaries and expenses of the Ministry of Commerce	20,848	885
2. For the expenses of the Ministry of Commerce in respect of fisheries, harbours, railways and commercial services, including certain grants in aid	33,390	636

CHAPTER 13.

An Act to amend the provisions of the Workmen's Compensation Acts (Northern Ireland), 1906 to 1923; and to give effect in Northern Ireland to certain enactments of the Workmen's Compensation Act, 1925. [31st May, 1927.]

[Repealed by Ch. 16 post p. 102.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Fees in workmen's compensation proceedings. 6 Edw. 7. c. 58.

1.—(1) No court fee shall be payable by the workman in respect of proceedings in a court under the Workmen's Compensation Act, 1906 (in this Act referred to as "the principal Act").

(2) Subject to the provisions of the preceding sub-section, the words "without fee" in paragraph (9) of the Second Schedule to the principal Act and paragraph (13) of the said schedule shall cease to have effect.

Provisions as to weekly payments. 13 & 14 Geo. 5, c. 33.

2.—(1) In the proviso to paragraph (16) of the First Schedule to the principal Act, as amended by sub-section (6) of section twenty-three of the Workmen's Compensation Act (Northern Ireland), 1923, for the words "and before the workman attains the age of twenty one years" there shall be substituted the words "and the

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application for the review is made before or within six months after the workman attains the age of twenty-one years." A.D. 1927.

(2) Section fourteen of the Workmen's Compensation Act (Northern Ireland), 1923, shall have effect subject to the following amendments:—

(*a*) In paragraph (ii) of the proviso to the said section the words "or, if the effect of that certificate is disputed, as in default of agreement may be determined by the registrar or, on appeal, the judge" shall be omitted;

(*b*) The following paragraph shall be inserted in the proviso to the said section after paragraph (ii):

"(ii[A]) if the effect of the certificate given by the medical referee is disputed in a case to which paragraph (i) or paragraph (ii) of this proviso applies, the clerk of the crown and peace, or, on appeal, the judge shall have power to determine, having regard to the said certificate, whether the weekly payment shall be ended or diminished and, if diminished, to what extent, and any sums paid into court in any such case shall be dealt with accordingly."

Distribution of compensation on the death of a dependant.

3. In the event of the death of any person entitled as a dependant to money paid into a county court under the principal Act, then, if no direction has been given as to the disposition thereof for the benefit of other dependants in the event of the death of the person entitled thereto, the court may, without probate or letters of administration, distribute the sum amongst such persons as appear to the court, upon such evidence as the court may deem satisfactory, to be entitled by law to receive the same; and, if there are no such persons, the court shall deal with the sum in such manner as the Attorney General for Northern Ireland may direct, or, if the dependant so dying is illegitimate and dies intestate, in accordance with such directions as may be given by or on behalf of the Crown:

Provided that, where the principal value of the estate of the dependant so dying exceeds one hundred

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pounds, any sum paid under this section without probate or letters of administration shall be liable to estate duty as part of the amount on which that duty is charged, and the county court shall, before making any such payment, require a statutory declaration by the claimant, or by one of the claimants, that the principal value of the estate, including the sum in question, does not, after deduction of debts and funeral expenses, exceed the value of one hundred pounds, or the production of a letter or certificate from the Ministry of Finance stating either that all duties payable in respect of the sum in question have been paid, or that no duty thereon is payable.

Rules as to examination and discovery, &c.

4. Rules of court under the principal Act may provide for conferring on the judge or clerk of the crown and peace powers of—

(*a*) making orders for the examination of witnesses and persons and for discovery, interrogatories, and inspection of documents and for further particulars; and

(*b*) granting a new trial

in proceedings under that Act.

Amendment of 13 and 14 Geo. 5, c. 33, as to payments to be made in priority.

5. The First Schedule to the Workmen's Compensation Act (Northern Ireland), 1923 (which amends section five of the principal Act) shall have effect as if the following paragraph were substituted for paragraph (*b*) of article three of that schedule:—

"(*b*) in the second case the date mentioned in subsection (5) of section two hundred and nine of the Companies (Consolidation) Act, 1908"

Amendment of 8 & 9 Geo. 5, c. 14, s. 1. as to compensation for silicosis.

6. Section one of the Workmen's Compensation (Silicosis) Act, 1918, shall have effect subject to the following amendments:—

(*a*) The proviso to sub-section (1) (which restricts the cases in which compensation may be paid where the silicosis is accompanied by tuberculosis) shall be omitted;

(*b*) In sub-section (2) (which relates to the scale of compensation) for the words "disablement due to silicosis unaccompanied by tuberculosis" there shall be substituted the words "disable-

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"ment due to silicosis or silicosis accompanied "by tuberculosis";

(*c*) In paragraph (*d*) of sub-section (3) (which relates to the appointment, remuneration, duties and powers of medical officers and advisory medical bodies) after the words "medical officers" there shall be inserted the words "medical boards";

(*d*) In paragraph (*e*) of sub-section (3) for the words "and for the suspension from employ- "ment of workmen who are found to be "suffering from silicosis or from silicosis "accompanied by tuberculosis" there shall be substituted the words "and for the sus- "pension from employment of workmen who "are found at any time to be suffering from "silicosis or tuberculosis, or silicosis accom- "panied by tuberculosis, or who, when first "medically examined in pursuance of the "scheme, are found unsuitable for work in "the industry or process by reason of their "failure to satisfy such requirements with "respect to physique as may be prescribed "by the scheme";

(*e*) In paragraph (*f*) of sub-section (3) (which relates to the supplemental matters which may be included in a scheme) after the words "supplemental matters" there shall be inserted the words "including provisions as to the "determination of disputes arising between "employers and the authority administering "the fund."

Power to extend Workmen's Compensation Acts to aircraft outside Northern Ireland

7.—(1) The Ministry of Labour may by order extend the provisions of the Workmen's Compensation Acts (Northern Ireland), 1906 to 1923, subject to such modifications and exceptions as may be specified in the order, to such persons, being workmen within the meaning of the said Acts, employed as pilot, commander, navigator, or member of the crew of any aircraft to which this section applies when outside Northern Ireland, in such circumstances as may be specified in the order.

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(2) The aircraft to which this section applies are aircraft registered in the United Kingdom the owner of which resides or has his principal place of business in Northern Ireland.

(3) An order under this section shall not come into force until it has been laid before each House of Parliament for the statutory period, and if during that period either House presents an address to the Governor of Northern Ireland against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

For the purpose of this sub-section the expression "statutory period" means a period comprising five days at least on which the House in question has sat, but not being in any case shorter in duration than ten days, and days comprised in more than one session of Parliament may be reckoned for that purpose.

Amendment of Workmen's Compensation Acts as to powers of making rules of court.

8. For the purpose of giving effect to the resolution set forth in the Schedule to this Act passed by the Imperial Conference held in the year nineteen hundred and twenty-six, the Workmen's Compensation Acts (Northern Ireland), 1906 to 1923, shall be amended as follows:—

Rules of court under the said Acts may provide, in the event of any such arrangement as is mentioned in the said resolution being made by the Government of the United Kingdom between Northern Ireland and any part of His Majesty's dominions outside the United Kingdom—

(*a*) for the transfer, in such manner as may be provided by the arrangement, to the part of His Majesty's dominions with which the arrangement is made of any money paid into court under the said Acts and rules made thereunder, as applicable for the benefit of any person resident in or about to reside in the part of His Majesty's dominions with which the arrangement has been made;

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(*b*) for the receipt and administration by a county court of any money which under any such arrangement has been transmitted from the part of His Majesty's dominions with which the arrangement has been made, as applicable for the benefit of any person resident or about to reside in Northern Ireland.

For the purposes of this section, "His Majesty's dominions" includes territories under His Majesty's protection and such, if any, of the territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty as His Majesty may by Order in Council direct to be included in His Majesty's dominions for the purposes of this section.

Provisions for giving effect in Northern Ireland to certain enactments of Workmen's Compensation Act, 1925 15 & 16 Geo. 5, c. 84.

9.—(1) Where, by virtue of sub-section (1) or sub-section (3) of section thirty-five of the Workmen's Compensation Act, 1925, passed by the Parliament of the United Kingdom, a right to recover compensation in respect of an injury to a master, seaman, apprentice to the sea service, apprentice in the sea-fishing service or pilot, is conferred by that Act, proceedings for the recovery thereof may be taken in a county court in Northern Ireland in any case in which similar proceedings could, immediately before the passing of this Act, have been taken in that court under the corresponding provisions of section seven of the principal Act and the rules of court made under the principal Act.

(2) Rules of court under the principal Act may provide for giving effect, as respects county courts in Northern Ireland, to any provisions made by rules of court under paragraph 3 of the Second Schedule to the said Workmen's Compensation Act, 1925.

Short title and construction.

10. This Act may be cited as the Workmen's Compensation (Miscellaneous Amendments) Act (Northern Ireland), 1927, and shall be construed as one with the Workmen's Compensation Acts (Northern Ireland), 1906 to 1923.

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Section 8.

SCHEDULE.

RESOLUTION.

The Conference, taking note of the difficulties arising under the law relating to workmen's compensation in the administration of money awarded in one part of the Empire to beneficiaries resident or becoming resident in another part of the Empire, is of opinion that arrangements should be made between the different parts of the Empire whereby any sum awarded to such beneficiaries may, at the request of the authority by which the award is made, be transferred to and administered by the competent authority in that part of the Empire in which such beneficiaries reside. It accordingly invites the several Governments of the Empire to take such steps by way of legislation or otherwise as each may consider necessary and appropriate for the purpose of promoting such arrangements.

CHAPTER 14.

An Act to continue certain Expiring Laws as respects Northern Ireland.

[21st December, 1927.]

WHEREAS the Acts (whether passed by the Parliament of the United Kingdom or by the Parliament of Northern Ireland) mentioned in the Schedule to this Act are, in so far as they are in force in Northern Ireland and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-seven:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

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Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in the several Parts of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued as respects Northern Ireland until the thirty-first day of December, nineteen hundred and twenty-eight, and shall then expire unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and construction

2.—(1) This Act may be cited as the Expiring Laws Continuance Act (Northern Ireland), 1927.

(2) References in this Act to any enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) Nothing in this Act shall be construed as affecting any enactment in so far as the enactment relates to a matter with respect to which the Parliament of Northern Ireland has not power to make laws.

SCHEDULE.

PART I.

Enactments of the United Kingdom Parliament continued in their Duration.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 35 & 34 Vict., c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict., c. 100. 49 & 50 Vict., c. 6.

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SCHEDULE—(continued).

PART I.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(2)			
46 & 47 Vict., c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	48 & 49 Vict., c. 77. 49 & 50 Vict., c. 59. 54 & 55 Vict., c. 48. 54 & 55 Vict., c. 71. 55 & 56 Vict., c. 7. 59 & 60 Vict., c. 53. 61 & 62 Vict., c. 37. 3 Edw. 7, c. 37. 6 Edw. 7, c. 37. 7 Edw. 7, c. 44. 9 Edw. 7, c. 42. 1 & 2 Geo. 5, c. 19. 4 & 5 Geo. 5, c. 32. 8 & 9 Geo. 5, c. 20. 9 & 10 Geo. 5, c. 55. 13 & 14 Geo. 5, c. 23 (Northern Ireland). 17 & 18 Geo. 5, c. 4 (Northern Ireland).
(3)			
2 & 3 Geo. 5, c. 2.	The Coal Mines (Minimum Wage) Act, 1912	The whole Act.	—
(4)			
4 & 5 Geo. 5, c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	—

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SCHEDULE—(continued).

PART I.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(5)			
4 & 5 Geo. 5, c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	5 & 6 Geo. 5, c. 19. 6 & 7 Geo. 5, c. 13. 6 & 7 Geo. 5, c. 18. 7 & 8 Geo. 5, c. 25. 9 & 10 Geo. 5, c. 64. 10 & 11 Geo. 5, c. 5. 14 & 15 Geo. 5, c. 21 (Northern Ireland).
(6)			
8 & 9 Geo. 5, c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	The whole Act.	10 & 11 Geo. 5, c. 14.
(7)			
9 & 10 Geo. 5, c. 45.	The Housing (Ireland) Act, 1919.	Section twenty-one.	11 & 12 Geo. 5, c. 19. 13 & 14 Geo. 5, c. 30 (Northern Ireland). 14 & 15 Geo. 5, c. 28 (Northern Ireland). 15 & 16 Geo. 5, c. 13 (Northern Ireland). 16 Geo. 5, c. 2 (Northern Ireland). 16 & 17 Geo. 5, c. 23 (Northern Ireland).
(8)			
10 & 11 Geo. 5, c. 21.	The Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act.	—

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SCHEDULE—(continued).

PART I.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(9) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	—
(10) 10 & 11 Geo. 5, c. 65.	The Employment of Women, Young Persons, and Children Act, 1920.	Section two.	—
(11) 11 & 12 Geo. 5, c. 66.	The National Health Insurance (Prolongation of Insurance) Act, 1921.	The whole Act.	—
(12) 14 & 15 Geo. 5, c. 38.	The National Health Insurance Act, 1924.	Section fifty-four.	—

PART II.

Enactments of the Parliament of Northern Ireland continued in their Duration.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 12 Geo. 5, c. 5.	The Local Government (Emergency Powers) Act, 1921 [N.I.].	The whole Act.	—
(2) 12 & 13 Geo. 5, c. 5.	The Civil Authorities (Special Powers) Act (Northern Ireland), 1922.	The whole Act.	—

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SCHEDULE (continued.)

PART II.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(3) 15 & 16 Geo. 5, c. 7.	The Canals (Continuance of Charging Powers) Act (Northern Ireland), 1925.	The whole Act.	—
(4) 16 & 17 Geo. 5, c. 18.	The Unemployment Insurance Act (Northern Ireland), 1926.	The whole Act.	—

CHAPTER 15.

An Act to amend section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments, and to extend the powers of local authorities in connection with the sale of houses. [21st December, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Increased grant in respect of construction of houses, and alteration of conditions. 13 & 14 Geo. 5, c. 30.

1.—(1) The Ministry of Home Affairs may, under and subject to the provisions of section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments of the Housing Acts (Northern Ireland), 1890 to 1926 (in this Act referred to as "the principal enactments"), make grants in respect of the construction of houses commenced on or after the first day of August, nineteen hundred and twenty-seven, and completed before

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the first day of April, nineteen hundred and twenty-nine, and being of the kitchen or small parlour type with a minimum of five hundred superficial feet in rural districts, and five hundred and fifty superficial feet elsewhere, and a maximum of six hundred and fifty superficial feet.

Grants to which this Act applies shall be at the rate of one hundred pounds in respect of each house constructed, where the house is completed within a period not exceeding six months from the date of its commencement, and at the rate of eighty pounds in respect of each such house, where the house is not completed within such period.

(2) Where a house complies with the conditions for the payment of grants under the principal enactments, then any grant made by the Ministry of Home Affairs in respect of its construction shall be at the rate fixed by this Act, in any case where the house is commenced on or after the first day of August, nineteen hundred and twenty-seven, and conforms to the requirements of this Act as to type and dimensions, and in any other case shall be at the rate fixed by the principal enactments apart from this Act.

17 & 18 Geo. 5, c. 10.

(3) For the purposes of section four of the Exchequer and Financial Provisions Act (Northern Ireland), 1927 (which enables certain sums to be paid out of the Consolidated Fund to the Land Trust in aid of housing), this Act shall not be deemed to be an enactment amending section one of the Housing Act (Northern Ireland), 1923.

(4) A general resolution may be adopted by a local authority, rural district council or county council under and in pursuance of the principal enactments, and applied to houses in respect of whose construction the Ministry of Home Affairs has power to make grants by virtue of this Act; but no such general resolution shall have effect so as to authorise the discontinuance or decrease of grants payable under a general resolution in force on the eleventh day of October, nineteen hundred and twenty-seven.

Amendment of sec. 1 of 14 and 15 Geo. 5 c. 28 as to sale of houses.
14 & 15 Geo. 5, c. 28.

2.—(1) Where a local authority, acting in exercise of their powers under section eleven of the Housing (Ireland) Act, 1919, as amended by section one of the Housing Acts Amendment Act (Northern Ireland), 1924, propose to sell any house erected by them, they may make to the purchaser thereof a loan repayable free of

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interest by instalments over a period not exceeding twenty-five years, to the extent of five pounds for each two pounds of the amounts, which by section one of the said last-mentioned Act are to be deducted from the total of the expenses incurred in building the said house, and in calculating for the purpose of the said last-mentioned section the price at which such house may be sold, the said amounts to be deducted from the total of such expenses shall be reduced by the sum of two pounds for each five pounds so lent as aforesaid :

Provided that the total of any such loan shall not exceed the price of the said house fixed in pursuance of the said Acts and this section.

(2) Section one of the Housing Acts Amendment Act (Northern Ireland), 1924, shall be construed as if—

(*a*) the reference therein to any sum received by the local authority under any provisions of the Housing Acts (Northern Ireland), 1890 to 1923, included a reference to sums received under any enactments amending section one of the Housing Act (Northern Ireland), 1923, or under this Act ; and

(*b*) the reference therein to a general resolution included a reference to any general resolution adopted under any enactment amending section one of the Housing Act (Northern Ireland), 1923, or under this Act.

Short title and construction.

3. This Act may be cited as the Housing Act (Northern Ireland), 1927, and shall be construed as one with the Housing Act (Northern Ireland), 1923, and the enactments amending that Act ; and this Act and the Housing Acts (Northern Ireland), 1890 to 1926, may be cited together as the Housing Acts (Northern Ireland), 1890 to 1927.

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CHAPTER 16.

An Act to consolidate, as respects Northern Ireland, the law relating to compensation to workmen for injuries suffered in the course of their employment. [21st December, 1927.]

WHEREAS it is expedient to consolidate, as respects Northern Ireland, the law relating to compensation to workmen for injuries suffered in the course of their employment:

And whereas certain provisions (in this Act referred to as "the reserved provisions") contained in the enactments relating to such compensation enacted by the Parliament of the United Kingdom relate to matters in respect of which the Parliament of Northern Ireland have not power to make laws:

And whereas it is expedient for convenience of reference that certain of the reserved provisions, namely those which relate to appeals to the Court of Appeal and House of Lords, and to the investment of certain sums in the Post Office Savings Bank, should be set out in the Fourth Schedule to this Act in the manner in which they are applicable to matters arising under the provisions of this Act, and that such of the reserved provisions as are contained in the Workmen's Compensation Act, 1925, passed by the Parliament of the United Kingdom, should be set out in the Fifth Schedule to this Act:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

COMPENSATION FOR INJURIES.

Right to Compensation.

Liability of employers to workmen for injuries.

1.—(1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the provisions hereinafter contained:

Provided that—

(*a*) The employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least

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three days from earning full wages at the work at which he was employed;

(*b*) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed.

(2) For the purposes of this Act, an accident resulting in the death or serious and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with his employer's trade or business.

(3) This Act shall apply notwithstanding any contract to the contrary, whether made before or after the commencement of this Act, except that where under this Act the provisions of a scheme are substituted for the provisions of this Act, the employer shall be liable only in accordance with the scheme.

Persons entitled to compensation.

2.—(1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependants as provided by this Act.

(2) Where there are both total and partial dependants nothing in this Act shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

(3) Where a dependant dies before a claim under this Act is made, or if a claim has been made, before an agreement or award has been arrived at or made, the legal personal representative of the dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the workman.

Meaning of "workman."

3.—(1) In this Act, unless the context otherwise requires, the expression "workman," subject to the exceptions hereinafter mentioned, means any person who has entered into or works under a contract of service

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or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing; and also includes a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.

(2) The following persons are excepted from the definition of workman, that is to say:—

(*a*) any person employed otherwise than by way of manual labour whose remuneration exceeds three hundred and fifty pounds a year; or

(*b*) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club; or

(*c*) a member of the Royal Ulster Constabulary; or

(*d*) an out worker; or

(*e*) a member of the employer's family dwelling in his house.

(3) If on any proceedings for the recovery of compensation under this Act it appears to the judge of the county court, or other person by whom the claim to compensation is to be settled, that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, he may, if having regard to all the circumstances of the case he thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

Dependants entitled to compensation.

4.—(1) The dependants of a workman entitled to claim compensation under this Act where the injury results in death are such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the

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parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively.

(2) A person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessaries of life suitable for persons in his class and position.

(3) In this Act, unless the context otherwise requires, the expression "member of a family" means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister.

Meaning of "employer."

5.—(1) In this Act, unless the context otherwise requires, the expression "employer" includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person.

(2) In relation to a person engaged in plying for hire with any vehicle or vessel, the use of which is obtained from the owner thereof under a contract of bailment, the owner of the vehicle or vessel shall, for the purposes of this Act, be deemed to be the employer.

(3) In relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager, or members of the managing committee, of the club shall, for the purposes of this Act, be deemed to be the employer.

Liability in case of workmen employed by contractors.

6.—(1) Where any person (in this section referred to as "the principal"), in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as "the contractor") for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal

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shall be liable to pay to any workman employed in the execution of the work any compensation under this Act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed:

Provided that, where the contract relates to threshing, ploughing, or other agricultural work, and the contractor provides and uses machinery driven by mechanical power for the purpose of such work, he and he alone shall be liable under this Act to pay compensation any workman employed by him on such work.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Provision as to cases of bankruptcy of employer.

7.—(1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then, in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken, by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as respects that liability shall, notwithstanding

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anything in the enactments relating to bankruptcy and the winding-up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer. A.D. 1927.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the bankruptcy or liquidation, or, as the case may be, he may recover the balance from the receiver or manager.

(3) There shall be included amongst the debts which—

(i) under section four of the Preferential Payments in Bankruptcy (Ireland) Act, 1889, are, in the distribution of the property of a bankrupt or arranging debtor, to be paid in priority to all other debts; 52 & 53 Vict. c. 60.

(ii) under section two hundred and nine of the Companies (Consolidation) Act, 1908, are in the winding-up of a company to be paid in priority to all other debts; and 8 Edw. 7. c. 69.

(iii) under section one hundred and seven of the Companies (Consolidation) Act, 1908, are to be paid in priority to any claim for principal or interest in respect of debentures;

the amount due in respect of any compensation or liability for compensation accrued before the following date, that is to say:—

(*a*) In the first case the date of the order of adjudication or of the filing of the petition for arrangement;

(*b*) In the second case the date mentioned in subsection (5) of section two hundred and nine of the Companies (Consolidation) Act, 1908;

(*c*) In the third case the date of the appointment of the receiver or of possession being taken mentioned in the said section one hundred and seven.

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Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Act.

(4) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt, arranging debtor or company has entered into such a contract with insurers as aforesaid.

(5) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Amount of Compensation.

Amount in fatal cases.

8.—(1) The compensation under this Act where death results from the injury shall be a lump sum of an amount calculated in accordance with the rules hereinafter contained, together with, if the workman leaves a widow or other member of his family (not being a child under the age of fifteen) wholly or partially dependent upon his earnings, and in addition leaves one or more children under the age of fifteen so dependent, an additional sum (hereinafter referred to as the children's allowance) of an amount calculated in accordance with the rules hereinafter contained, so, however, that the lump sum and children's allowance (which shall be added together and dealt with as a single sum) shall not in any case exceed in the aggregate six hundred pounds.

(2) The lump sum shall be calculated in accordance with the following rules :—

(i) If the workman leaves any dependants wholly dependent on his earnings, the lump sum shall be a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of two hundred pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds ;

(ii) If the period of the workman's employment by the said employer has been less than the said three years, the amount of his earnings during the said three years shall, for the purposes

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of the foregoing rule, be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer;

(iii) There shall be deducted from the sum as above calculated the amount of weekly payments (if any) made to the workman before his death so, however, as not to reduce the lump sum below two hundred pounds; and if such weekly payments have been redeemed under this Act, there shall also be deducted the amount paid in respect of the redemption thereof;

(iv) If the workman does not leave any dependants wholly dependent on his earnings, but leaves any dependants in part so dependent, the lump sum shall be such sum not exceeding in any case the amount payable under the foregoing rules as may be agreed upon or, in default of agreement, may be determined by arbitration under this Act to be reasonable and proportionate to the injury to the said dependants;

(v) If the workman leaves no dependants, the lump sum shall be an amount equal to the reasonable expenses of his medical attendance and burial, not exceeding fifteen pounds.

(3) The amount of the children's allowance shall be calculated in accordance with the following rules:—

(i) If both the widow or other member of the workman's family and such child or children as aforesaid were all wholly dependent on the workman's earnings, the children's allowance shall in respect of each such child be a sum equal to fifteen per cent. of the amount arrived at by multiplying the average weekly earnings of the workman, or where such earnings are less than one pound, then by multiplying one pound, or where such earnings exceed two pounds then by multiplying two pounds, by the number of weeks in the period between the death of the workman and the date when the child will attain the age of fifteen, fractions of a week being disregarded;

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(ii) If the widow or other member of the workman's family and such child or children as aforesaid, or any of them, were partially dependent on the workman's earnings, the children's allowance shall be such proportion of the sum which would have been payable under the foregoing rule if all such persons had been wholly dependent as may be agreed upon or, in default of agreement, as may, taking into consideration the amount of the lump sum, be determined by arbitration under this Act to be reasonable;

(iii) No deduction shall be made from the children's allowance in respect of the amount of any weekly payments which may have been made to the workman under this Act in respect of the same injury, but if such weekly payments have been redeemed the amount paid in redemption thereof, if and so far as it exceeds the lump sum payable, shall be deducted from the amount of the children's allowance as ascertained under the foregoing rules.

Amount in cases of total and partial incapacity.

9.—(1) The compensation under this Act where total or partial incapacity for work results from the injury shall be a weekly payment during the incapacity of an amount calculated in accordance with the rules hereinafter contained:

Provided that—

(*a*) if the incapacity lasts less than four weeks, no compensation shall be payable in respect of the first three days; and

(*b*) in fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity; and

(c) the weekly payment shall in no case exceed thirty shillings.

(2) The rules for calculating the weekly payment in the case of total incapacity shall be—

(i) The weekly payment shall subject to rule (ii) be a sum not exceeding fifty per cent. of the workman's average weekly earnings during the previous twelve months, if he has been so long

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employed by the same employer, but if not, then for any less period during which he has been in the employment of the same employer;

(ii) Where the maximum weekly payment calculated according to rule (i) is less than twenty-five shillings, the workman shall be entitled during such total incapacity to a weekly addition equal to one-half of the difference between such maximum weekly payment and the sum of twenty-five shillings or his average weekly earnings, whichever is the less, and such addition shall, for all the purposes of this Act, be treated as if it were part of the weekly payment.

(3) The rules for calculating the weekly payment in the case of partial incapacity shall be—

(i) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted to twenty-five shillings a week or upwards, the weekly payment in case of partial incapacity shall be one-half the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident;

(ii) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted with such addition, if any, as is provided by rule (ii) in the case of total incapacity, to less than twenty-five shillings. the weekly payment in case of partial incapacity shall be a sum bearing the same proportion to the said difference as the said maximum weekly payment with such addition as aforesaid bears to the amount of the average weekly earnings of the workman before the accident.

(4) If a workman who has so far recovered from the injury as to be fit for employment of a certain kind proves to the satisfaction of the judge of the county court that he has taken all reasonable steps to obtain, and has failed to obtain, such employment, and that his failure to obtain such employment is a consequence, wholly or mainly, of the injury, the judge shall order

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that his incapacity shall, for the purposes of this Act, continue to be treated as total incapacity for such period, and subject to such conditions, as may be provided by the order, without prejudice however to the right of review conferred by this Act:

Provided that every such order shall be made subject to the condition that it shall cease to be in force if the workman receives unemployment benefit.

Rules for determining earnings.

10. For the purposes of the provisions of this Act relating to "earnings" and "average weekly earnings" of a workman, the following rules shall be observed:—

(i) Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated: Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer, or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district;

(ii) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident;

(iii) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, un-

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interrupted by absence from work due to illness or any other unavoidable cause;

(iv) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings;

(v) Upon request of the workman to the employer liable to pay compensation, that employer shall furnish in writing a list of the earnings of that workman upon which the amount of the average weekly earnings may be calculated for the purpose of determining the amount of any weekly payment under this Act.

Reviews of weekly payments.

11.—(1) Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum hereinbefore in section nine provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Act.

(2) Where the workman was at the date of the accident under twenty-one years of age and the review takes place more than six months after the accident, and the application for the review is made before or within six months after the workman attains the age of twenty-one years, the amount of the weekly payment may be increased to such an amount as would have been awarded if the workman had at the time of the accident been earning the weekly sum which he would probably have been earning at the date of the review if he had remained uninjured.

(3) Where the review takes place more than six months after the accident, and it is claimed and proved that, had the workman remained uninjured and continued in the same class of employment as that in which he was employed at the date of the accident, his average weekly earnings during the twelve months immediately preceding the review would, as a result of fluctuations in rates of remuneration, have been greater or less by more than twenty per cent. than his average weekly earnings during the twelve months previous to the accident (or, if the weekly payment has been previously varied on a

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review, during the twelve months previous to that review or the last of such reviews), the weekly payment shall be varied so as to make it such as it would have been if the rates of remuneration obtaining during the twelve months previous to the review had obtained during the twelve months previous to the accident.

For the purposes of this sub-section "review" includes a review under the provision of any Act repealed by this Act corresponding to this section.

Limitation of power of employer to end or diminish weekly payments.

12. An employer shall not be entitled otherwise than in pursuance of an agreement or arbitration to end or diminish a weekly payment except in the following cases:—

(1) where a workman in receipt of a weekly payment in respect of total incapacity has actually returned to work;

(2) where the weekly earnings of a workman in receipt of a weekly payment in respect of partial incapacity have actually been increased;

(3) where the medical practitioner who has examined the workman under section eighteen of this Act has certified that the workman has wholly or partially recovered, or that the incapacity is no longer due in whole or in part to the accident, and a copy of the certificate (which shall set out the grounds of the opinion of the medical practitioner) together with notice of the intention of the employer at the expiration of ten clear days from the date of the service of the notice to end the weekly payment, or to diminish it by such amount as is stated in the notice, has been served by the employer upon the workman:

Provided that—

(i) in the last-mentioned case, if before the expiration of the said ten clear days the workman sends to the employer the report of a duly qualified medical practitioner (which report shall set out the grounds of his opinion) disagreeing with the certificate so served by the employer, the weekly payment shall not be ended or diminished, except in accordance with

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such report, or if and so far as the employer disputes such report, except in accordance with the certificate given by the medical referee in pursuance of section nineteen of this Act: and

(ii) where an application has been made in pursuance of the said section nineteen to refer the dispute to a medical referee, it shall be lawful for the employer, pending the settlement of the dispute, to pay into court—

(*a*) where the notice was a notice to end the weekly payment, the whole of each weekly payment becoming payable in the meantime;

(*b*) where the notice was a notice to diminish the weekly payment, so much of each weekly payment so payable as is in dispute;

and the sums so paid into court shall, on the settlement of the dispute, be paid to the employer or to the workman according to the effect of the certificate of the medical referee; and

(iii) if the effect of the certificate given by the medical referee is disputed in a case to which paragraph (i) or paragraph (ii) of this proviso applies, the clerk of the crown and peace or, on appeal, the judge shall have power to determine, having regard to the said certificate, whether the weekly payment shall be ended or diminished and, if diminished, to what extent; and

(iv) nothing in this section shall be construed as authorising an employer to end or diminish a weekly payment in any case in which, or to an extent to which, apart from this section, he would not be entitled to do so.

Redemption of weekly payments.

13. Where any weekly payment has been continued for not less than six months, the liability therefor may, on application by or on behalf of the employer, be redeemed by the payment of a lump sum of such an amount, as, where the incapacity is permanent, would, if invested in the purchase of an immediate life annuity

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from the National Debt Commissioners through the Post Office Savings Bank, purchase an annuity for the workman equal to seventy-five per cent. of the annual value of the weekly payment, and as in any other case may be settled by arbitration under this Act; and such lump sum may be ordered by the committee or arbitrator or judge of the county court to be invested or otherwise applied for the benefit of the person entitled thereto:

Provided that—

(*a*) nothing in this section shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum; and

(*b*) the provisions of this section, which fix the amount of the lump sum for which a weekly payment may be redeemed where the incapacity is permanent, shall not apply in the case where the injured workman is at the date of the application under twenty-one years of age, and where, in the case of an injured workman under the age of twenty-one, the lump sum for which the weekly payment may be redeemed is determined by arbitration, the right which, if the redemption did not take place, the workman would have to have the weekly payment increased on a review under sub-section (2) of section eleven of this Act shall be taken into account.

Conditions of Compensation.

Requirements as to notice of accident and claim for compensation.

14.—(1) Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death:

Provided that—

(*a*) the want of or any defect or inaccuracy in such notice shall not be a bar to the mainten-

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ance of such proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from Northern Ireland, or other reasonable cause; and

(*b*) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from Northern Ireland, or other reasonable cause.

(2) Notice in respect of any injury under this Act may be given either in writing or orally to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed, or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

(3) The notice, if in writing, may be given by delivering the same at, or sending it by post in a registered letter addressed to, the residence or place of business of the person to whom it is to be given.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to, the employer at the office, or, if there be more than one office, any one of the offices, of such body.

Special provisions as to notice of accident in mines, factories, &c.

15.—(1) There shall be kept constantly posted up in some conspicuous place at or near every mine, quarry, factory or workshop where it may be conveniently read by the persons employed, a summary, in such form as may be prescribed, of the requirements of this Act,

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with regard to the giving of notice of accidents and the making of claims and the procedure to be followed in the case of industrial diseases, and, in the event of such summary becoming effaced, obliterated or destroyed, it shall be renewed with all reasonable dispatch.

In the event of any non-compliance with the provisions of this sub-section the owner, agent or manager of the mine or quarry or the occupier of the factory or workshop shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds, and any such proceedings may be instituted by an inspector of mines or factories.

(2) The want of, or any defect or inaccuracy in, the notice of an accident required by the last preceding section of this Act shall not be a bar to the maintenance of proceedings for the recovery of compensation under this Act where the employer is the owner of a mine or quarry or the occupier of a factory or workshop—

(*a*) if such summary as aforesaid has not been posted up in accordance with the provisions of this section; or

(*b*) if the accident has been reported by or on behalf of the employer to an inspector of mines or factories; or

(*c*) if the accident has been entered in any register of accidents kept by or on behalf of the employer at the mine, quarry, factory or workshop; or

(*d*) if the injury has been treated in an ambulance room at the mine, quarry, factory or workshop.

(3) For facilitating the giving of notice of accidents for the purposes of this Act, a book in the prescribed form shall be kept at every mine, quarry, factory or workshop, in which the prescribed particulars of accidents happening to persons employed at the mine, quarry, factory or workshop may be entered by the injured workman or some other person acting on his behalf, and an entry in such book, if made as soon as practicable after the happenings of the accident, shall be sufficient notice of the accident for the purposes of this Act.

The book shall be kept at such place as to be readily accessible at all reasonable times to any injured workman

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who was employed at the mine, quarry, factory or workshop, and any person bonâ fide acting on his behalf.

If in the case of any mine, quarry, factory or workshop the provisions of this sub-section are not complied with, the mine, quarry, factory, or workshop shall be deemed not to be managed or kept in conformity with the enactments relating thereto.

(4) For the purposes of this section, the expression "factory or workshop" shall include any works or premises to which any of the provisions of the Factory and Workshops Acts, 1901 to 1920, apply; and the expression "prescribed" means prescribed by the Ministry having power to prescribe the matter or thing in question, under the enactments relating to mines, quarries, factories, or workshops.

Conditions as to residence.

16.—(1) If a workman receiving a weekly payment ceases to reside in the United Kingdom, the Channel Islands, or the Isle of Man, he shall thereupon cease to be entitled to receive any weekly payment, unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature.

(2) If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed by rules of court, his identity and the continuance of the incapacity in respect of which the weekly payment is payable.

Conditions as to submission to medical examination in first instance.

17. Where a workman has given notice of an accident, or where an accident has occurred in respect of which the necessity of giving notice under this Act is dispensed with, he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, and, if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, shall be suspended until such examination has taken place.

Periodical submission to medical examination.

18. Any workman receiving weekly payments under this Act shall, if so required by the employer, from time to time submit himself for examination by a duly

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qualified medical practitioner provided and paid by the employer. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

Provisions as to submission to medical examination.

19.—(1) A workman shall not be required to submit himself for examination by a medical practitioner under either of the two preceding sections otherwise than in accordance with regulations made by the Ministry of Labour, or at more frequent intervals than may be prescribed by those regulations.

(2) Where a workman has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the clerk of the crown and peace, on application being made to the court by both parties, or, subject to appeal to the judge, by one of the parties, may refer the matter to a medical referee:

Provided that where the application is made by only one of the parties, the clerk of the crown and peace, or on appeal, the judge, if he is of opinion that, owing to the exceptional difficulty of the case or for any other sufficient reason, the matter ought to be settled in default of agreement by arbitration, shall refuse to allow the reference.

(3) The medical referee to whom the matter is so referred shall, in accordance with regulations made by the Ministry of Labour, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified.

(4) Where no agreement can be come to between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this section shall, subject

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to any regulations made by the Ministry of Labour, apply as if the question were a question as to the condition of the workman.

(5) If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred as aforesaid, or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment, shall be suspended until such examination has taken place.

(6) Rules of court may be made for prescribing the manner in which documents are to be furnished or served and applications made under this section and the forms to be used for those purposes.

Provision as to suspension of right to compensation.

20. Where under this Act a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

Procedure for determining Compensation and settling Questions.

Procedure for settling questions.

21.—(1) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the person injured is a workman to whom this Act applies), or as to the amount or duration of compensation under this Act, or, except as otherwise expressly provided, to the right to or amount of any indemnity under this Act, the question, if not settled by agreement, shall, subject to the provisions of this Act, be settled by the arbitration of a representative committee, or of an arbitrator, or of the judge of the county court in accordance with the First Schedule to this Act.

(2) Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this Act, shall be settled by the county court, and the amount payable to each dependant shall be settled by arbitration under this Act, or, if not so settled before payment into court under this Act, by the county court.

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Power to vary awards.

22. Where, on application being made in accordance with rules of court, it appears to a county court that, on account of neglect of children on the part of a widow, or on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, an order of the court or an award as to the apportionment amongst the several dependants of any sum paid as compensation, or as to the manner in which any sum payable to any such dependant is to be invested, applied, or otherwise dealt with, ought to be varied, the court may make such order for the variation of the former order or the award, as in the circumstances of the case the court may think just.

Registration of agreements and awards.

23.—(1) Where the amount of compensation under this Act has been ascertained, or any weekly payment varied, or any other matter decided under this Act, either by a committee or by an arbitrator or by agreement, a memorandum thereof shall be sent, in manner prescribed by rules of court, by the committee or arbitrator, or by any party interested, to the clerk of the crown and peace, who shall, subject to such rules and subject to the provisions hereinafter contained, on being satisfied as to its genuineness, record such memorandum in a special register, and thereupon the memorandum shall for all purposes be enforceable as a county court judgment:

Provided that—

(*a*) no such memorandum shall be recorded before seven days after the despatch by the clerk of the crown and peace of notice to the parties interested; and

(*b*) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Act and the employer, in accordance with rules of court, proves that the workman has in fact returned to work and is earning the same wages as he did before the accident, and objects to the recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the judge of the county court, in the circumstances, may think just.

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(2) The judge of the county court may at any time rectify the register.

(3) Where a memorandum of an agreement for the payment of a lump sum is so sent for registration, the clerk of the crown and peace, and if in pursuance of this Act the matter is referred to the judge, the judge of the county court, shall have power, in accordance with rules of court,—

(*a*) to require either party to the agreement to furnish him either orally or in writing with such information as he may consider necessary, or to require the attendance of any of the parties to the agreement before him;

(*b*) when the information as to the workman's condition appears to him to be insufficient or conflicting, to require a report as to the workman's condition to be obtained from a medical referee;

and in the event of either of the parties failing to comply with any such requirement of the clerk of the crown and peace, the said clerk may refuse to record the memorandum and may refer the matter to the judge, who shall have power to make such order as he may in the circumstances think just.

(4) Where it appears from any such report of a medical referee that the prospects of the workman's recovery from incapacity cannot as yet be approximately determined, the clerk of the crown and peace, or on appeal, the judge, may refuse to record the memorandum.

(5) Any agreement for the payment of a lump sum shall disclose the amount (if any) paid or payable under or in respect of the agreement by the employer to the solicitor of the workman or his dependants as costs, and, if it appears to the clerk of the crown and peace that the amount is excessive, the said clerk may direct that the bill of costs be submitted to him for taxation, and, thereupon the said clerk shall, subject to review by the judge, tax such costs in accordance with rules of court; and if the costs are reduced on such taxation, the amount of such reduction shall either be applied or dealt with for the benefit of the workman or his dependants, or paid to the employer, or otherwise dealt with as the judge may direct.

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14&15 Geo.5, c. 38.

(6) The approved society or committee by which sickness or disablement benefit under the National Insurance Act, 1924, payable to the workman is administered, shall be entitled to send to the clerk of the crown and peace objections to the registration of an agreement for the payment of a lump sum, and, in the event of the attendance of any of the parties to the agreement being required, shall be entitled to appear before the said clerk, or, if the matter is referred to the judge, before the judge.

(7) Rules of court may be made providing that in any case where in connection with an application for the registration of any such agreement as aforesaid there is a hearing before the clerk of the crown and peace or the judge, or a report from the medical referee is required to be obtained, the said clerk or judge shall have the power of awarding costs.

Registration of composition agreements.

24. Where the person against whom a claim for compensation is made under this Act disputes his liability to pay compensation, but makes an agreement (in this Act referred to as a composition agreement) whereby in consideration of the payment of a lump sum the claim for such compensation purports to be precluded, the agreement shall be sent for registration in like manner and subject to the like conditions as in the case of an agreement for the redemption of a weekly payment by a lump sum.

Invalidity of certain agreements unless registered.

25.—(1) An agreement as to the redemption of weekly payments by a lump sum, if not registered in accordance with this Act, shall not, nor shall the payment of the sum payable under the agreement, exempt a person by whom the weekly payment is payable from liability to continue to make that weekly payment, unless he proves that the failure to register was not due to any neglect or default on his part.

(2) An agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants, if not registered in accordance with this Act shall not, nor shall the payment of the sum payable under the agreement, exempt a person by whom the compensation is payable from liability to pay compensation unless he proves that the failure to register was not due to any neglect or default on his part.

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(3) A composition agreement if not registered in accordance with this Act shall not, nor shall the payment of any sum payable thereunder, exempt the employer from liability under this Act.

(4) Where it appears to the clerk of the crown and peace on any information which he considers sufficient that an agreement to which this section applies ought not to be registered by reason of the inadequacy of the sum or amount agreed to be paid, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement sent to him for registration and refer the matter to the judge, who shall in accordance with rules of court make such order (including an order as to any sum already paid under the agreement) as in the circumstances he may think just:

Provided that in the case of a composition agreement in determining whether or not the sum agreed to be paid under the agreement is adequate the said clerk, or if the matter is referred to the judge, the judge, shall have regard to the question whether or not liability to pay composition under this Act is doubtful.

(5) The judge may within six months after a memorandum of an agreement to which this section applies has been recorded in the register order that the record be removed from the register on proof to his satisfaction that the agreement has been obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as in the circumstances he may think just.

Payments into court.

26.—(1) The compensation payable in the case of death shall, unless otherwise ordered, as hereinafter provided, be paid into the county court:

Provided that if so agreed the compensation in the case of death shall, if the workman leaves no dependants, be paid to his legal personal representative or, if he has no such representative, to the person to whom the expenses of medical attendance and burial are due.

(2) Where a weekly payment is payable under this Act to a person under any legal disability, the

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county court may, on an application being made in accordance with rules of court, order that the weekly payment be paid during the disability into court.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to money paid into court under this Act and the application and investment thereof.

Provisions as to county courts.

27.—(1) Where any matter under this Act is to be done in a county court, or by, to, or before the judge of a county court, or a clerk of the crown and peace, then, unless the contrary intention appear, the same shall, subject to rules of court, be done in, or by, to, or before the judge of, or clerk of the crown and peace acting as such clerk for, the county court of the district in which all the parties concerned reside, or if they reside in different districts the district prescribed by rules of court, without prejudice to any transfer in manner provided by rules of court.

(2) The duty of the judge of a county court under this Act, shall, subject to rules of court, be part of the duties of the county court, and the officers of the court shall act accordingly, and rules of court may be made both for any purpose for which this Act authorises rules of court to be made, and also generally for carrying into effect this Act so far as it affects the county court, and proceedings in the county court; and such rules may be made by the authority having power to make rules under section seventy-nine of the County Officers and Courts (Ireland) Act, 1877, as amended by section ten of the County Officers and Courts Act (Northern Ireland), 1925.

40 & 41 Vict., c. 56.

15&16 Geo.5, c. 5.

Extension of powers of representative committees.

28. The Ministry of Labour may, by order, either unconditionally or subject to such conditions or modifications as it may think fit, confer on any committee representative of an employer and his workmen, as respects any matter in which the committee act as arbitrators, or which is settled by agreement submitted to and approved by the committee, all or any of the powers conferred by this Act exclusively on county courts or judges of county courts, and may by the order provide how and to whom the compensation money is to be paid in cases where, but for the order, the money

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would be required to be paid into court, and the order may exclude from the operation of sub-sections (4) and (5) of section twenty-five of this Act agreements submitted to and approved by the committee, and may contain such incidental, consequential, or supplemental provisions as may appear to the Ministry of Labour to be necessary or proper for the purposes of the order.

Alternative Remedies, &c.

Remedies independently of Act against employer.

29.—(1) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Act or take proceedings independently of this Act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act, and shall not be liable to any proceedings independently of this Act, except in case of such personal negligence or wilful act as aforesaid.

(2) If, within the time hereinbefore limited for taking proceedings under this Act, an action is brought to recover damages independently of this Act for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the court in which the action is tried, or, if the determination is the determination (on an appeal by either party) by an appellate tribunal, that tribunal, shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs, which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this sub-section, when the court or appellate tribunal assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs, and such certificate shall have the force and effect of an award under this Act:

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Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to the county court for the assessment of the compensation, and in such case may order the county court to deduct from the amount of compensation assessed by it all or part of such costs as aforesaid.

Remedies both against employer and stranger.

30. Where the injury for which compensation is payable under this Act, or any scheme certified under this Act, was caused in circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof,—

(*a*) the workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act or such scheme for such compensation, but shall not be entitled to recover both damages and compensation; and

(*b*) if the workman has recovered compensation under this Act or such scheme, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under section six of this Act relating to liability in case of workmen employed by contractors, shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action, or, by consent of the parties, by arbitration under this Act.

Substitution of liability under scheme for liability under Act.

31.—(1) If the Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workmen, certifies—

(*a*) that any scheme of compensation, benefit or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen, provides scales of compensation not less favourable to the workmen and their dependants than the corresponding scales contained in this Act; and

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(*b*) that, where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act; and

(*c*) that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of such scheme;

the employer may, whilst the certificate is in force, contract with any of his workmen that the provisions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall be liable as respects those workmen only in accordance with the scheme.

(2) The Registrar of Friendly Societies may give a certificate to expire at the end of a limited period of five years, and may from time to time renew with or without modifications such a certificate to expire at the end of the period for which it is renewed.

(3) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme.

(4) The Registrar of Friendly Societies shall not certify, or renew a certificate of, any such scheme unless he is satisfied that adequate provision is made to secure the discharge of liabilities arising under the scheme, both during the currency of the scheme and after the scheme is revoked or expires, so far as there may be any liabilities outstanding at the date of revocation or expiry.

(5) If complaint is made to the Registrar of Friendly Societies by or on behalf of the workmen of any employer that the benefits conferred by any scheme no longer conform to the conditions stated in sub-section (1) of this section, or that the provisions of such scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the said Registrar shall examine into the complaint, and, if satisfied that good cause exists for such complaint, shall, unless the cause of complaint is removed, revoke the certificate.

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(6) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall, after due provision has been made to discharge the liabilities already accrued, be distributed as may be arranged between the employer and workmen, or as may be determined by the Registrar of Friendly Societies in the event of a difference of opinion.

(7) Whenever a scheme has been certified as aforesaid, it shall be the duty of the employer to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be made or required by the Registrar of Friendly Societies.

(8) Where a scheme certified under this Act provides for payment of compensation by a friendly society, the provisions of the proviso to the first sub-section of section eight, section sixteen, and section forty-one of the Friendly Societies Act, 1896, shall not apply to such society in respect of such scheme.

59 & 60 Vict., c. 25.

(9) The Registrar of Friendly Societies shall include in his annual report the particulars of his proceedings under this Act.

(10) The Registrar of Friendly Societies may make regulations for the purpose of carrying this section into effect.

Saving as respects fines under Mines and Factories Acts.

32. Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines, factories or workshops, or the application of any such fine.

Application to special Classes of Persons.

Application to workmen in employment of Crown.

33.—(1) This Act shall not apply to persons in the naval or military or air service of the Crown, but otherwise shall apply to workmen employed by or under the Crown to whom this Act would apply if the employer were a private person.

(2) The Ministry of Finance may, by warrant laid before Parliament, modify for the purposes of this Act their warrant made under section one of the Superannuation Act, 1887, as applied by the Superannuation Acts (Northern Ireland), 1921 to 1925, and notwithstanding anything in the first-mentioned Act, or any such warrant, may frame schemes with a view to their being certified by the Registrar of Friendly Societies under this Act.

50 & 51 Vict. c. 67.

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Application to men being trained or engaged in rescue work in mines. 1 & 2 Geo. 5, c. 50.

34.—(1) When provision has been made in pursuance of regulations under the Coal Mines Act, 1911, or under any order which has effect as if made under that Act, for the formation or training of a rescue brigade, any accident caused to a workman employed in or about a mine to which that Act applies, who is with the consent of his employer being trained as a member of the rescue brigade, and arising out of and in the course of his training, shall, for the purposes of this Act, be deemed to arise out of and in the course of his employment in the mine.

(2) Any workman engaged in any rescue work or ambulance work at any such mine shall, for the purposes of this Act, be deemed while so engaged to be employed by the owner of the mine, as defined by the said Act.

Application of Act and Workmen's Compensation Act, 1925, to persons employed on ships. 15&16 Geo. 5, c. 84.

35.—(1) Where, by virtue of sub-section (1) or sub-section (3) of section thirty-five of the Workmen's Compensation Act, 1925, passed by the Parliament of the United Kingdom, (which sub-sections are set out in Part I of the Fifth Schedule to this Act), a right to recover compensation in respect of an injury to a master, seaman, apprentice to the sea service, apprentice in the sea-fishing service or pilot is conferred by that Act, proceedings for the recovery thereof may be taken in a county court in Northern Ireland in any case in which similar proceedings could, immediately before the thirty-first day of May, nineteen hundred and twenty-seven, have been taken in that court under the corresponding provisions of section seven of the Workmen's Compensation Act, 1906, and the rules of court made under that Act.

6 Edw. 7, c. 58.

(2) This Act shall not apply to such members of the crew of a fishing vessel as are remunerated wholly or mainly by shares in the profits or the gross earnings of the working of such vessel, except in such cases and subject to such modifications as the Ministry of Labour may by order provide:

Provided that no such order shall come into force until it has been laid before each House of Parliament for the statutory period, and if during that period either House presents an address to the Governor of Northern Ireland against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

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(3) This Act shall apply to any person (not being a person in whose case proceedings for the recovery of compensation can be taken under sub-section (1) of this section) employed on board any ship registered in Northern Ireland or on any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner or manager resides or has his principal place of business in Northern Ireland, if such person is so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship, and if he is otherwise a workman within the meaning of this Act.

Power to extend provisions of Act to aircraft outside Northern Ireland.

36.—(1) The Ministry of Labour may by order extend the provisions of this Act, subject to such modifications and exceptions as may be specified in the order, to such persons, being workmen within the meaning of this Act, employed as pilot, commander, navigator, or member of the crew of any aircraft to which this section applies when outside Northern Ireland, in such circumstances as may be specified in the order.

(2) The aircraft to which this section applies are aircraft registered in the United Kingdom the owner of which resides or has his principal place of business in Northern Ireland.

(3) An order under this section shall not come into force until it has been laid before each House of Parliament for the statutory period, and if during that period either House presents an address to the Governor of Northern Ireland against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

Provisions as to Conventions with Foreign States.

37. In the event of an Order in Council being made under the provisions of section thirty-seven of the Workmen's Compensation Act, 1925, passed by the Parliament of the United Kingdom, (which section is set out in Part I of the Fifth Schedule to this Act) for giving effect to any Convention made with a Foreign State, being a Convention which extends to Northern Ireland, then the provisions of this Act shall, in its application to the cases affected by the Convention, have effect subject to the modifications contained in the Order in Council.

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Transfer of moneys to, and adminstration of moneys received from, certain parts of His Majesty's dominions.

38. Whereas, at an Imperial Conference held in London in the year nineteen hundred and twenty-six, a resolution was adopted recommending that arrangements should be made between the different parts of the Empire whereby sums awarded under the law relating to workmen's compensation in one part of the Empire to beneficiaries resident or becoming resident in another part of the Empire may, at the request of the authority by which the award is made, be transferred to and administered by a competent authority in that part of the Empire in which such beneficiaries reside, and inviting the several Governments of the Empire to take such steps by way of legislation or otherwise as each may consider necessary and appropriate for the purpose of promoting such arrangements:

Therefore, for the purpose of giving effect to the said resolution, rules of court under this Act may provide, in the event of any such arrangement as is mentioned in the said resolution being made by the Government of the United Kingdom between Northern Ireland and any part of His Majesty's dominions outside the United Kingdom—

(*a*) for the transfer, in such manner as may be provided by the arrangement, to the part of of His Majesty's dominions with which the arrangement is made of any money paid into court under this Act and rules made thereunder, as applicable for the benefit of any person resident in or about to reside in the part of His Majesty's dominions with which the arrangement has been made;

(*b*) for the receipt and administration by a county court of any money which under any such arrangement has been transmitted from the part of His Majesty's dominions with which the arrangement has been made, as money applicable for the benefit of any person resident or about to reside in Northern Ireland.

For the purposes of this section, "His Majesty's dominions" includes territories under His Majesty's protection and such, if any, of the territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty as His Majesty may by Order in Council direct to be included in His Majesty's dominions for the purposes of this section.

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Administrative Provisions.

Appointment and remuneration of medical referees.

39. The Ministry of Labour may appoint such duly qualified medical practitioners to be medical referees for the purposes of this Act as that Ministry may, with the sanction of the Ministry of Finance, determine, and the remuneration of, and other expenses incurred by, medical referees under this Act shall, subject to regulations made by the Ministry of Finance and except so far as they are defrayed by fees received from the parties under this Act, be paid out of moneys provided by Parliament.

Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case.

Applications for orders for detention of ships.

40. If it is alleged that the owners of any ship are liable as such owners to pay compensation under this Act, an application for an order for the detention of the ship may be made by any person under and subject to the provisions of section thirty-nine of the Workmen's Compensation Act, 1925, passed by the Parliament of the United Kingdom, (which section is set out in Part I of the Fifth Schedule to this Act).

Prohibition against charging or assigning weekly payments.

41. A weekly payment payable under this Act or any scheme certified under this Act, or a sum paid by way of redemption thereof, shall not be capable of being assigned, charged, or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

Repayment of poor relief.

42. Where an authority has granted out-door relief to a person pending the settlement of his claim to compensation under this Act or any scheme certified thereunder, and either—

(*a*) such relief would not have been granted had the person then received or been in receipt of compensation under this Act; or

(*b*) such relief is in excess of the amount which would have been granted had the person then received or been in receipt of such compensation;

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the authority may give notice of the relief so provided to the person liable to pay the compensation, and if such notice is given the person so liable shall on demand, and on being furnished with a certificate by the authority of the amount of the relief so provided or of the amount of such excess, as the case may be, repay to the authority, up to the amount which he is liable to pay as compensation, less such part (if any) of that amount as he has already duly paid at the time of receiving the notice aforesaid, the amount of the relief or of the excess certified as aforesaid, and the receipt of the authority shall, up to the amount of the repayment, be a full and valid discharge to that person in respect of the compensation payable by him to the person relieved:

Provided that, if the person so liable to pay compensation gives to the authority by which such notice as aforesaid is given notice that he intends to pay, or that he has paid, compensation, he shall not be under any obligation to make any repayment in respect of any relief provided after the date of the payment of the compensation or after the time at which the notice so given is received by the authority, whichever is the later.

Returns as to compensation.

43.—(1) Every employer in any industry to which the Ministry of Labour may direct that this section shall apply shall, on or before such day in every year as the Ministry of Labour may direct, send to the Ministry of Labour a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Act during the previous year, and the amount of such compensation, together with such other particulars as to the compensation as the Ministry of Labour may direct, and in default of complying with this section shall be liable on conviction under the Summary Jurisdiction (Ireland) Acts to a fine not exceeding five pounds.

(2) Any regulations made by the Ministry of Labour containing such directions as aforesaid shall be laid before both Houses of Parliament as soon as may be after they are made.

PART II

APPLICATION TO CERTAIN INDUSTRIAL DISEASES.

Application of Act to industrial diseases. 1 Ed. 7. c. 22.

44.—(1) Where—

(i) the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the

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district in which a workman is employed certifies that the workman is suffering from a disease mentioned in the Third Schedule to this Act and is thereby disabled from earning full wages at the work at which he was employed; or

(ii) a workman is, in pursuance of any special rules or regulations made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of having contracted any such disease; or

(iii) the death of a workman is caused by any such disease;

and the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date of the disablement or suspension, whether under one or more employers, he or his dependants shall be entitled to compensation under this Act as if the disease or such suspension as aforesaid were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications:—

(*a*) The disablement or suspension shall be treated as the happening of the accident;

(*b*) If it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable;

(*c*) The compensation shall be recoverable from the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due:

Provided that—

(i) the workman or his dependants if so required shall furnish that employer with such information as to the names and addresses of all the other employers who employed him in the employment during the said twelve months as he or they may possess, and, if such information is not furnished, or is not sufficient to

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enable that employer to take proceedings under the next following proviso, that employer upon proving that the disease was not contracted whilst the workman was in his employment shall not be liable to pay compensation; and

(ii) if that employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer, and not whilst in his employment, he may join such other employer as a party to the arbitration, and if the allegation is proved that other employer shall be the employer from whom the compensation is to be recoverable; and

(iii) if the disease is of such a nature as to be contracted by a gradual process, any other employers who during the said twelve months employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contributions as, in default of agreement, may be determined in the arbitration under this Act for settling the amount of the compensation, or, if the amount of compensation is not in dispute, as may be determined by arbitration under this Act.

(*d*) The amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable;

(*e*) The employer to whom notice of the death, disablement or suspension is to be given shall be the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left his employment;

(*f*) If an employer or a workman is aggrieved by the action of a certifying or other surgeon in giving or refusing to give a certificate of dis-

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ablement or in suspending or refusing to suspend a workman for the purposes of this section, the matter shall in accordance with regulations made by the Ministry of Labour be referred to a medical referee, whose decision shall be final, and the medical referee when deciding the matter shall also certify as to the condition of the workman at the time when he is examined by him, and such certificate by the medical referee shall be conclusive.

(2) For the purposes of this section the date of disablement shall be such date as the certifying surgeon certifies as the date on which the disablement commenced, or, if he is unable to certify such a date, the date on which the certificate is given:

Provided that—

(i) where the medical referee allows an appeal against a refusal by a certifying surgeon to give a certificate of disablement, the date of disablement shall be such date as the medical referee may determine; and

(ii) where a workman dies without having obtained a certificate of disablement, or is at the time of death not in receipt of a weekly payment on account of disablement, it shall be the date of death.

(3) The Ministry of Labour may make orders for extending the provisions of this section to other diseases and other processes, and to injuries due to the nature of any employment specified in the order not being injuries by accident, either without modification or subject to such modifications as may be contained in the order.

(4) Nothing in this section shall affect the rights of a workman to recover compensation in respect of a disease to which this section does not apply, if the disease is a personal injury by accident within the meaning of this Act.

Supplemental provisions as to industrial diseases.

45.—(1) If the workman, at or immediately before the date of such disablement or suspension as aforesaid, was employed in any process mentioned in the second column of the Third Schedule to this Act, and the disease contracted is the disease in the first column of

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that Schedule set opposite the description of the process, the disease, except where the certifying surgeon certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment unless the employer proves the contrary.

(2) Where a workman claims to be suffering from and disabled by a disease to which the foregoing provisions of this Part of this Act apply, the employer may agree with the workman that he is liable to pay compensation without requiring the workman to obtain the certificate of the certifying surgeon mentioned in those provisions, and thereupon the workman shall be entitled to compensation as for injury by accident from the date of the agreement or from such other date as may be agreed.

Any such agreement may be recorded in the manner provided by section twenty-three of this Act, and shall be enforceable against the employer in like manner and subject to the same provisions as an agreement to pay compensation in case of an injury by accident.

(3) In such cases, and subject to such conditions as the Ministry of Labour may direct, a medical practitioner appointed by that Ministry for the purpose shall have the powers and duties of a certifying surgeon under the foregoing provisions of this Part of this Act, and those provisions shall be construed accordingly.

(4) The Ministry of Labour may make rules regulating the duties and fees of certifying and other surgeons (including dentists) under the foregoing provisions of this Part of this Act.

Mutual insurance of employers engaged in industries.

46.—(1) Where, after inquiry held on the application of any employers or workmen engaged in any industry to which the foregoing provisions of this Part of this Act apply, it appears that a mutual trade insurance company or society for insuring against the risks under those provisions has been established for the industry, and that a majority of the employers engaged in that industry are insured against such risks in the company or society and that the company or society consents, the Ministry of Labour may, by Provisional Order, require all employers in that industry to insure in the company or society upon such terms and under such conditions

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and subject to such exceptions as may be set forth in the Order.

(2) Where such a company or society has been established but is confined to employers in any particular locality or of any particular class, the Ministry of Labour may for the purposes of this section treat the industry, as carried on by employers in that locality or of that class, as a separate industry.

(3) A Provisional Order made under this section shall be of no force whatever unless and until it is confirmed by Parliament, and if, while the Bill confirming any such Order is pending in Parliament, a petition is presented against the Order, the Bill may be referred to a Joint Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Local Bills; and any Act confirming any Provisional Order under this section may be repealed, altered or amended by a Provisional Order made and confirmed in like manner.

Expenses of Ministry of Labour.

47. Any expenses incurred by the Ministry of Labour in respect of any Order, Provisional Order, or confirming Bill under the foregoing provisions of this Part of this Act shall be defrayed out of moneys provided by Parliament.

Power by scheme to apply Act to workmen suffering from silicosis.

48.—(1) The Ministry of Labour may by scheme provide for the payment of compensation by the employers of workmen in any specified industry or process or group of industries or processes involving exposure to silica dust—

(*a*) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from the disease known as fibroid phthisis or silicosis of the lungs (in this section referred to as silicosis) or from that disease accompanied by tuberculosis; or

(*b*) who, though not totally disabled, are found on medical examination to be suffering from silicosis, or from silicosis accompanied by tuberculosis, to such a degree as to make it dangerous to continue work in the industry or process, and are for that reason suspended from employment.

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(2) The scale of compensation fixed by the scheme in the case of death or total disablement due to silicosis or silicosis accompanied by tuberculosis shall be that prescribed by this Act and in any other case shall be such as may be prescribed by the scheme.

(3) Provision may be made by the scheme—

(*a*) for the establishment of a general compensation fund, to be administered either through a mutual trade insurance company or society of employers, or in such other manner as may be provided by the scheme;

(*b*) for requiring employers to subscribe to the fund, and for the recovery of such subscriptions, and for the payment and recovery out of the fund of all compensation under the scheme, and of any expenses arising under the scheme which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme;

(*c*) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen, with an independent chairman, and for the procedure to be adopted before such committees;

(*d*) for the appointment and remuneration of medical officers, medical boards and advisory medical bodies, and for their duties and powers in connection with the scheme;

(*e*) for requiring workmen to whom the scheme applies (i) to submit themselves to such periodical medical examination, and (ii) to furnish such information with respect to their previous employment in any industry specified in the scheme, as involving exposure to silica dust, as may be prescribed by the scheme, and for making the right of the workmen to compensation conditional on compliance with such requirements, and for the suspension from employment of workmen who are found at any time to be suffering from silicosis or tuberculosis, or silicosis accompanied by tuberculosis, or who, when first medically examined

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in pursuance of the scheme, are found unsuitable for work in the industry or process by reason of their failure to satisfy such requirements with respect to physique as may be prescribed by the scheme; and

(*f*) for the application with the necessary modifications of any of the provisions of this Act, or of any enactment relating to compensation thereunder, and for defining the industries or processes to which the scheme applies, and generally for such further or supplemental matters, including provisions as to the determination of disputes arising between employers and the authority administering the fund, as appear necessary for giving full effect to the scheme.

(4) Any scheme made under this section may be extended or varied by any subsequent scheme made in the like manner, and shall have effect as if enacted in this Act, but any scheme made under this section shall be laid before each House of Parliament forthwith, and, if an address is presented to the Governor of Northern Ireland by either House of Parliament within the statutory period next after any such scheme is laid before it praying that the scheme may be annulled, the said Governor may by Order in Council annul the scheme, and it shall thenceforward be void, but without prejudice to the validity of anything done thereunder.

PART III.

GENERAL.

Interpretation.

49.—(1) In this Act unless the context otherwise requires—

"Ship," "vessel," "seaman," and "port" have the same meanings as in the Merchant Shipping Act, 1894:

57 & 58 Vict. c. 60.

"Manager," in relation to a ship, means the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner:

"Judge of the county court" includes the recorder of a borough:

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"Registrar of Friendly Societies" means the officer appointed by the Government of Northern Ireland to perform in Northern Ireland the functions of registrar of friendly societies:

"Outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles:

"United Kingdom" means Great Britain and Northern Ireland:

"Statutory period" means a period comprising five days at least on which the House of Commons or the Senate (as the case may require) has sat, but not being in any case shorter in duration than ten days, such days being reckoned without regard to the question whether they are comprised in one or in more than one session of Parliament.

(2) The exercise and performance of the powers and duties of a local or other public authority shall, for the purposes of this Act, be treated as the trade or business of the authority.

(3) Any reference in this Act to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative, or to his dependants, or other person to whom or for whose benefit compensation is payable.

(4) References in this Act to enactments of the Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those enactments as they apply in Northern Ireland.

Saving for matters outside powers of Parliament of Northern Ireland.

50. Nothing in this Act shall be construed as making provision with regard to any matter or thing in respect of which the Parliament of Northern Ireland have not power to make laws.

Commencement and repeal.

51.—(1) This Act shall come into operation on the second day of January, nineteen hundred and twenty-eight, but shall not apply in any case where the accident

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happened before the first day of January, nineteen hundred and twenty-four.

(2) The enactments set out in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, but shall continue to apply to cases where the accident happened before the first day of January, nineteen hundred and twenty-four, and to which they apply at the commencement of this Act:

Provided that nothing in this repeal shall affect any scheme, order, rule, regulation, agreement or award, or other instrument certified, issued or made, or any other thing done under the enactments so repealed and in force at the commencement of this Act, but any such scheme, order, rule, regulation, agreement, or award, or other instrument, or other thing, shall continue in force and have effect as if certified, issued, made or done under this Act.

(3) The repeal of sub-section (2) of section sixteen of the Workmen's Compensation Act, 1906, shall not affect the application of the Workmen's Compensation Acts, 1897 to 1900, to cases to which by virtue of that sub-section they are to continue to apply.

Short title.

52. This Act may be cited as the Workmen's Compensation Act (Northern Ireland), 1927.

SCHEDULES.

Section 21.

FIRST SCHEDULE.

ARBITRATION, &C.

1. For the purpose of settling any matter which under this Act is to be settled by arbitration, if any committee, representative of an employer and his workmen, exists with power to settle matters under this Act in the case of the employer and workmen, the matter shall, unless either party objects by notice in writing sent to the other party before the committee meet to consider the matter, be settled by the arbitration of such committee, or be referred by them in their discretion to arbitration as hereinafter provided.

2. If either party so objects, or there is no such committee, or the committee so refers the matter or fails to settle the matter within six months from the date of the claim, the matter shall be

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settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the judge of the county court, according to the procedure prescribed by rules of court.

3.—(i) A committee or an arbitrator may, if they or he think fit, submit any question of law for the decision of the judge of the county court; and the judge of the county court shall, for the purpose of proceedings under this Act, have the same powers of procuring the attendance of witnesses and the production of documents as if the proceedings were an action in the county court.

(ii) The decision of the judge of the county court on any question of law either on a submission under sub-division (i) of this paragraph, or in any case where he himself settles the matter under this Act or where he gives any decision or makes any order under this Act, shall be final, unless either party appeals therefrom under and in accordance with the reserved provisions set out in paragraph 1 of the Fourth Schedule to this Act.

4. The judge of the county court may in any case, if he thinks fit, and shall, if any party in accordance with rules of court so requires and gives security for the payment of the prescribed fee, summon a medical referee to sit with him as assessor.

If a medical referee is so summoned on the application of any party, that party shall, subject to any directions as to costs, be liable to pay in respect of the attendance of the medical referee such fee as may be prescribed by the Ministry of Labour.

5. Rules of court may make provision—

(*a*) for the appearance in any arbitration under this Act of any party by some other person; and

(*b*) for conferring on the judge or clerk of the crown and peace in proceedings under this Act powers of making orders for the examination of witnesses and persons, and for discovery, interrogatories, inspection of documents, and further particulars, and of granting a new trial.

6.—(i) The costs of and incidental to the arbitration and proceedings connected therewith shall be in the discretion of the committee, arbitrator, or judge of the county court, subject as respects such judge to rules of court.

(ii) The costs, whether before a committee or an arbitrator or in the county court, shall not exceed the limit prescribed by rules of court, and shall be taxed in manner prescribed by those rules and such taxation may be reviewed by the judge of the county court.

7. Where a reference is made to a medical referee under section sixteen or section nineteen of this Act, or where on an application for the registration of a memorandum of agreement a report of a medical referee is required under this Act to be obtained, there shall, subject to any directions as to costs and to the provisions hereinafter contained, be payable by the applicant for the reference or for the registration of the memorandum such fee in respect of the remuneration and expenses of the medical referee as the Ministry of Labour may prescribe, and provision may be made by rules of court for the payment of such fees through the clerk of the crown and peace.

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1st Sch. —cont.

All such references shall be made and reports obtained in accordance with regulations of the Ministry of Labour.

8. Any sum awarded as compensation shall, unless paid into court under this Act, be paid on the receipt of the person to whom it is payable under any agreement or award, and the solicitor or agent of a person claiming compensation under this Act shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Act, or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by the committee, the arbitrator, or the judge of the county court, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of costs to be paid to the solicitor or agent, such sum to be awarded subject to taxation and to the scale of costs prescribed by rules of court.

9. Any committee, arbitrator, or judge may, subject to regulations made by the Ministry of Labour and the Ministry of Finance, submit to a medical referee for report any matter which seems material to any question arising in the arbitration.

10. No court fee shall be payable by a workman in respect of any proceedings in a court under this Act.

Section 26.

SECOND SCHEDULE.

PROVISIONS AS TO PAYMENTS INTO COURT AND INVESTMENT.

1. Any sum paid into court under this Act shall, subject to rules of court and the provisions of this schedule, be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the clerk of the crown and peace shall be a sufficient discharge in respect of the amount paid in.

2. In the event of the death of any person entitled as a dependant to money paid into a county court under this Act, then, if no direction has been given as to the disposition thereof for the benefit of other dependants in the event of the death of the person entitled thereto, the court may, without probate or letters of administration, distribute the sum amongst such persons as appear to the court, upon such evidence as the court may deem satisfactory, to be entitled by law to receive the same; and, if there are no such persons, the court shall deal with the sum in such manner as the Attorney General for Northern Ireland may direct, or, if the dependent so dying is illegitimate and dies intestate, in accordance with such directions as may be given by or on behalf of the Crown:

Provided that, where the principal value of the estate of the dependant so dying exceeds one hundred pounds, any sum paid under this paragraph without probate or letters of administration shall be

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liable to estate duty as part of the amount on which that duty is charged, and the county court shall, before making any such payment, require a statutory declaration by the claimant, or by one of the claimants, that the principal value of the estate, including the sum in question, does not, after deduction of debts and funeral expenses, exceed the value of one hundred pounds, or the production of a letter or certificate from the Ministry of Finance stating either that all duties payable in respect of the sum in question have been paid, or that no duty thereon is payable.

3. Rules of court may provide for the transfer of money paid into court under this Act from one court in Northern Ireland to another, and for giving effect, as respects county courts in Northern Ireland, to any provisions made by rules of court under paragraph 3. of the Second Schedule to the Workmen's Compensation Act, 1925, passed by the Parliament of the United Kingdom, (which paragraph is set out in Part II of the Fifth Schedule to this Act).

4. Any sum which under this schedule is ordered to be invested may be invested in the Post Office Savings Bank by the clerk of the crown and peace, under and subject to the reserved provisions set out in paragraph 2. of the Fourth Schedule to this Act.

THIRD SCHEDULE.

Sections 44 & 45.

Description of Disease.	Description of Process.
Anthrax	Handling of wool, hair, bristles, hides, and skins.
Lead poisoning or its sequelæ.	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelæ.	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelæ.	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelæ.	Any process involving the use of arsenic or its preparations or compounds.
Ankylostomiasis ..	Mining.

Where regulations or special rules under any Act of Parliament for the protection of persons employed in any industry against the risk of contracting lead poisoning require some or all of the persons employed in certain processes specified in the regulations or special rules to be periodically examined by a certifying or other surgeon, then, in the application of this schedule to that industry, the expression "process" shall, unless the Ministry of Labour otherwise directs, include only the processes so specified.

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Preamble.

FOURTH SCHEDULE.

RESERVED PROVISIONS CONTAINED IN THE WORKMEN'S COMPENSATION ACT, 1906.

Appeals from county court to Court of Appeal and House of Lords.

1. Where a decision has been given or order made by the judge of the county court under paragraph 3. of the First Schedule to this Act, either party may, within the time and in accordance with the conditions prescribed by rules of the Supreme Court of Northern Ireland, appeal to the Court of Appeal in Northern Ireland, and an appeal shall lie from the said Court of Appeal to the House of Lords.

Provisions as to investment in Post Office Savings Bank of sums paid into county court.

2. The following provisions shall have effect with respect to sums paid into court and ordered to be invested under the Second Schedule to this Act :—

(*a*) Any such sum may be invested in whole or in part in the Post Office Savings Bank, and any sum to be so invested may be invested in the purchase of an annuity from the National Debt Commissioners through the Post Office Savings Bank, or be accepted by the Postmaster-General as a deposit, and the provisions of the County Officers and Courts (Ireland) Act, 1877, with respect to money deposited in the Post Office Savings Bank under section thirty-nine of that Act shall apply to money invested in the Post Office Savings Bank under this Schedule;

(*b*) Any person deriving any benefit from any moneys invested in the Post Office Savings Bank under the provisions of this schedule may nevertheless open an account in the said Savings Bank or in any other savings bank in his own name without being liable to any penalties imposed by any statute or regulations in respect of the opening of accounts in two savings banks, or of two accounts in the same savings bank.

Preamble. Sections 35, 37, 40.

FIFTH SCHEDULE.

PART I.

SECTIONS 35 (1) AND (3), 37 AND 39 OF THE WORKMEN'S COMPENSATION ACT 1925.

Application of Act to person employed on ships.

35.—(1) This Act shall apply to masters, seamen, and apprentices to the sea service and apprentices in the sea-fishing service, provided that such persons are workmen within the meaning of this Act, and are members of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner or (if there is more than one owner), the managing owner or manager, resides or has his principal place of business in the United Kingdom, subject to the following modifications :—

(*a*) The notice of accident and the claim for compensation may, except where the person injured is the master, be given to the master of the ship as if he were the employer, but where

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the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident :

(*b*) The provisions of sub-section (1) of section fifteen of this Act (other than those relating to the institution of proceedings by an inspector of mines or factories) shall apply to ships and the masters thereof, in like manner as it applies to factories and the occupiers thereof :

(*c*) In the case of the death of the master, seaman or apprentice, the claim for compensation shall be made within six months after news of the death has been received by the claimant :

(*d*) Where an injured master, seaman or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in the British possession, and by any British consular officer in the foreign country, and if so taken shall be transmitted by the person by whom they are taken to the Board of Trade, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible in evidence as provided by sections six hundred and ninety-one and six hundred and ninety-five of the Merchant Shipping Act, 1894, and those sections shall apply accordingly : 57 & 58 Vict c. 60.

(*e*) In the case of the death of a master, seaman or apprentice leaving no dependants, no compensation shall be payable, if the owner of the ship is under the Merchant Shipping Act, 1894, liable to pay the expenses of burial :

(*f*) The weekly payment shall not be payable in respect of the period during which the owner of the ship is, under the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or otherwise, liable to defray the expenses of maintenance of the injured master, seaman or apprentice :

(*g*) Any sum payable by way of compensation by the owner of a ship under this Act shall be paid in full notwithstanding anything in section five hundred and three of the Merchant Shipping Act, 1894 (which relates to the limitation of a shipowner's liability in certain cases of loss of life, injury or damage), but the limitation on the owner's liability imposed by that section shall apply to the amount recoverable by way of indemnity under section thirty of this Act (relating to remedies both against employer and stranger), as if the indemnity were damages for loss of life or personal injury :

(*h*) Sub-sections (2) and (3) of section one hundred and seventy-four of the Merchant Shipping Act, 1894 (which relates to the recovery of wages of seamen lost with their ship), shall apply as respects proceedings for the recovery of compensation by dependants of masters, seamen and apprentices lost with their ship as they apply with respect to proceedings for the recovery of wages due to seamen and apprentices ; and proceedings for the recovery of compensation shall in such a case be maintainable if the claim is made within

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5TH SCH. —*cont.*

eighteen months of the date at which the ship is deemed to have been lost with all hands.

2 & 3 Geo. 5. c. 31.

(3) This section shall extend to pilots to whom the Pilotage Act, 1913, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew.

Power to make Orders in Council for giving effect to conventions with Foreign States.

37.—(1) For the purpose of giving effect to any Convention with a Foreign State providing for reciprocity in matters relating to compensation to workmen for injuries by accident, it shall be lawful for His Majesty by Order in Council to make provision—

(*a*) for modifying this Act in its application to cases affected by the Convention, so, however, as not to alter the amount of compensation in any case to which this Act may apply;

(*b*) for determining, in cases where rights to compensation accrue both under this Act and under the law of the State with which the Convention is made, under the law of which country the workman shall be entitled to recover compensation;

(*c*) for conferring on county courts powers for the admission of evidence taken abroad and the procuring and taking of evidence for use abroad, or otherwise for the purpose of facilitating proceedings for the recovery of compensation under the respective laws of the two countries.

(2) If the Convention extends to Northern Ireland, the provisions of this section shall extend to the enactments regulating the payment of compensation to workmen for injuries by accident for the time being in force in Northern Ireland.

(3) In particular, but without derogating from the generality of the foregoing provisions of this section, any such Order in Council may make such modifications in this Act in its application to workmen who are French citizens as appear to His Majesty to be necessary to give effect to a convention between His Majesty and the President of the French Republic signed at Paris on the third day of July, nineteen hundred and nine, and this Act shall apply to such workmen subject to the modifications contained in the Order.

Detention of ships.

39.—(1) If it is alleged that the owners of any ship are liable as such owners to pay compensation under this Act, or any corresponding enactment for the time being in force in Northern Ireland, and at any time that ship is found in any port or river of England or Northern Ireland, or within three miles of the coast thereof, a judge of any court of record in England or Northern Ireland may, upon its being shown to him by any person applying in accordance with the rules of the court that the owners are probably liable as such to pay such compensation, and that none of the owners reside in Great Britain or Northern Ireland, issue an order directed to any officer of customs or other officer named by the judge requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof have paid such compensation, or have given security, to be approved by the judge, to abide the event of any proceedings that may be

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instituted to recover such compensation and to pay such compensation and costs as may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) In any legal proceeding to recover such compensation, the person giving security shall be made defendant, and the production of the order of the judge, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceeding.

(3) Where a complaint is made to the Secretary of State that before an application can be made under this section the ship in respect of which the application is to be made will have departed from the limits within which she can be arrested, the ship shall, if the Secretary of State so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention, if made in accordance with the directions of the Secretary of State.

(4) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and, if the owner of the ship is a corporation, it shall for the purposes of this section be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected.

(5) Where a ship has been demised to charterers, the provisions of this section shall apply to claims against the charterers of the ship as they apply to claims against the owners of a ship with the substitution of charterers for owners:

Provided that no ship shall be detained on a claim against the charterers of the ship after the expiration of the term for which the ship is demised to them.

(6) The foregoing provisions of this section shall extend to Northern Ireland.

(7) Without prejudice to any other means of enforcing claims in Scotland, this section shall, with the substitution of references to the sheriff for references to a judge of any court of record in England, apply to a ship found in any port or river of Scotland, or within three miles of the coast thereof, in like manner as it applies to a ship found in any port or river of England or within three miles of the coast thereof.

PART II.

PARAGRAPH 3 OF THE SECOND SCHEDULE TO THE WORKMEN'S COMPENSATION ACT, 1925.

3. Rules of court may provide for the transfer of money paid into court under this Act from one court to another, whether or not the court from which it is to be transferred is in the same part of Great Britain as the court to which it is to be transferred, and for the transfer to a county court in Northern Ireland of money paid into court under this Act, and to a county court in Great Britain of money paid into court in Northern Ireland under any enactment for the time being in force in Northern Ireland relating to the compensation of workmen for injuries suffered in the course of their employment.

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Section 51.

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 Edw. 7. c. 58	The Workmen's Compensation Act, 1906.	The whole Act, except sections seven and eleven and the reserved provisions set out in the Fourth Schedule to this Act.
1 & 2 Geo. 5. c. 50.	The Coal Mines Act, 1911 ..	Section one hundred and ten.
8 & 9 Geo. 5. c. 8	The Workmen's Compensation (Illegal Employment) Act, 1918.	The whole Act.
8 & 9 Geo. 5. c. 14.	The Workmen's Compensation (Silicosis) Act, 1918. ..	The whole Act.
13 & 14 Geo. 5. c. 33 (Northern Ireland).	The Workmen's Compensation Act (Northern Ireland), 1923.	The whole Act, except sections one, six, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine.
17 & 18 Geo. 5. c. 13 (Northern Ireland).	The Workmen's Compensation (Miscellaneous Amendments) Act (Northern Ireland), 1927.	The whole Act.

CHAPTER 17.

An Act to provide for the granting of licences for the sale of milk under special designations.

[21st December, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Licences for sale of milk under special designations.

1.—(1) A person shall not, either by himself or by any servant or agent, except under and in accordance with a licence granted by the Ministry of Home Affairs—

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(*a*) sell or offer or expose for sale any milk as "certified," "Grade A," "tuberculin tested" or "T. T.," or under such other designation as may be from time to time prescribed by regulations made under this Act; or

(*b*) on or in connection with any sale or offer for sale or proposed sale of any milk or in any advertisement, circular or notice relating to any milk, describe or refer to the same as "certified," "Grade A.," "tuberculin tested" or "T. T.," or by any other designation prescribed as aforesaid, or use any description or designation including or resembling any such description or designation.

(2) A licence may be granted for the purposes of this section for such period, and subject to such terms and conditions (including conditions as to the payment of fees), as may be prescribed by regulations made under this Act: and a licence so granted may be at any time suspended or revoked by the Ministry of Home Affairs by reason of the non-compliance of the holder thereof with any conditions prescribed as aforesaid, or for any other reason which the said Ministry may deem to be sufficient.

(3) If any person is guilty of a contravention of the foregoing provisions of this section he shall be liable, on summary conviction, for the first offence, to a fine not exceeding ten pounds, and for the second or any subsequent offence to a fine not exceeding twenty pounds, and, if the offence is a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues:

Provided that, where a person not having a licence granted by the Ministry of Home Affairs under this Act is convicted of selling milk or exposing or offering milk for sale in contravention of the foregoing provisions of this section, he shall be liable, for the first offence, to a fine of not less than two pounds, and for the second or any subsequent offence, to a fine of not less than five pounds.

(4) Any authorised officer shall have power to take and submit for analysis or for bacteriological or other examination samples of any milk offered or

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exposed for sale, by or on behalf of a person holding a licence granted by the Ministry of Home Affairs, under any designation or description authorised by such licence, and for that purpose to enter any premises upon which such milk is so offered or exposed for sale; and any person who obstructs or impedes an authorised officer acting in the execution of his powers under this sub-section shall be liable on summary conviction to a fine not exceeding twenty pounds.

For the purposes of this sub-section, the expression "authorised officer" means any police officer or constable having authority to act as an inspector for the purposes of the Sale of Food and Drugs Acts, 1875 to 1907, and any person authorised by the Ministry of Home Affairs in writing.

(5) At the hearing of the information in any proceedings under this Act the production of a certificate purporting to be signed by the person to whom any sample of milk taken under this Act has been submitted for analysis or bacteriological or other examination, shall be sufficient evidence of the facts stated therein, unless the defendent shall require that such person shall be called as a witness.

(6) A warranty or invoice shall be available as a defence in a prosecution for an offence against this section in any case where a warranty or invoice would be so available if the prosecution had been taken under the Sale of Food and Drugs Acts in respect of the sale of an article of food, and section twenty-five of the Sale of Food and Drugs Act, 1875, and section twenty of the Sale of Food and Drugs Act, 1899, shall apply accordingly.

38 & 39 Vict., c. 63, 62 & 63 Vict., c. 51.

(7) A prosecution for any contravention of or offence under the provisions of this Act shall not be instituted except by, or with the consent of, the Ministry of Home Affairs.

(8) All fines recoverable under this Act shall, notwithstanding anything in any enactment, be paid to the Ministry of Home Affairs, and the amount so recovered and all sums received by way of fees under this Act shall be paid to the Exchequer of Northern Ireland, except so far as they may be appropriated in aid of the moneys provided by Parliament for defraying the expenses of carrying this Act into effect.

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(9) The Ministry of Home Affairs may make regulations (subject in respect of fees to the approval of the Ministry of Finance), for prescribing anything which under this Act is to be prescribed; and all such regulations shall forthwith after they are made be published in the Belfast Gazette, and shall be laid before both Houses of Parliament as soon as may be.

Short title and commencement.

2.—(1) This Act may be cited as the Sale of Milk Act (Northern Ireland), 1927.

(2) This Act shall come into operation on the second day of January, nineteen hundred and twenty-eight.

CHAPTER 18.

An Act to amend the provisions of the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland), 1920 to 1925, with respect to houses let with furniture and the obtaining of possession of houses by misrepresentation.

[21st December, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of the provisions of 10 & 11 Geo. 5 c. 17 and 15 & 16 Geo. 5, c. 12, as to houses let with furniture

1.—(1) For the purposes of proviso (i) to sub-section (2) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, as amended by the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1925 (which Act as so amended is in this Act referred to as "the principal Act"), which relates to the exclusion of dwelling-houses from the principal Act in certain circumstances, a dwelling-house of which the rateable value exceeds eight pounds shall not be deemed to be bonâ fide let at a rent which includes payments in respect of the use of furniture, unless the house is let with all such furniture (other than plate, cutlery, linen

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and culinary utensils) as is reasonably required, having regard to the character of the house, for the occupation thereof as a furnished house.

For the purposes of the principal Act, the rent of a dwelling-house of which the rateable value does not exceed eight pounds shall not, in any circumstances, be treated as including any payments in respect of use of furniture.

(2) In sections nine and ten of the principal Act, which relate to limitation of rent of houses let with furniture and penalties for excessive charges for such lettings, the expressions "landlord" and "tenant" shall respectively be substituted for the expressions "lessor" and "lessee."

Further provisions as to obtaining possession of houses by misrepresentation.

2.—(1) Where at any time after the eleventh day of October, nineteen hundred and twenty-seven, the tenant of a dwelling-house to which the principal Act applies has given up possession of the dwelling-house to the landlord, upon a representation by the landlord or his agent that the house is required by the landlord for any of the purposes set out in paragraphs (*d*) and (*e*) of sub-section (1) of section five of the principal Act, but without any order or judgment having been obtained from the court under either of those paragraphs, and it is subsequently made to appear to the county court, upon application made by the said former tenant, that he gave up possession owing to misrepresentation, or the concealment of material facts, by the landlord or his agent, then the court may order the landlord to pay to the said former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of his having so given up possession.

(2) Section five of the principal Act shall have effect as if—

(*a*) in paragraph (*d*) of sub-section (1) of that section after the word "dwelling-house" where it occurs secondly there were inserted the words "for occupation as a residence for himself"; and

(*b*) in paragraph (*e*) of sub-section (1) of that section the following words were added after sub-division (ii) thereof:—

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"(iii) that the landlord when giving notice to quit gave to the tenant a notice in writing stating that the dwelling-house was required for occupation as a residence for himself or for some other person for whom possession may be obtained under this paragraph":

Provided that in the application of sub-section (1) of section five of the principal Act to a case where the landlord has given to the tenant a notice to quit before the passing of this Act such landlord shall give to the tenant within fourteen days after the passing of this Act the notice in writing required by paragraph (*d*) or sub-division (iii) of paragraph (*e*) of the said sub-section.

Short title.

3. This Act may be cited as the Rent and Mortgage Interest Restrictions (Amendment) Act (Northern Ireland), 1927.

CHAPTER 19.

An Act to consolidate, with amendments, the enactments relating to quarries, and for purposes connected therewith. [21st December, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PROVISIONS AS TO SAFETY AND EMPLOYMENT.

General provisions as to safety.

1. For the prevention of dangerous accidents, and for ensuring the safety of persons employed, in every quarry, the following provisions shall have effect:—

(*a*) The working of the sides and of the overburden of the quarry shall be carried on so as to prevent dangerous falls of material;

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(*b*) The top of the quarry, and any opening or shaft made for the purpose of quarrying shall, if dangerous, be kept securely fenced;

(*c*) If quarrying work is carried on after dark the quarry shall be under the supervision of a competent person appointed by the owner, occupier or agent for the purpose of such work;

(*d*) Effective measures shall be taken for securing and maintaining sufficient and suitable lighting in every part of the quarry in which persons are working;

(*e*) No explosives shall be taken into or used in any quarry except explosives provided by the owner, occupier or agent;

(*f*) Due and effective warning shall be given before blasting is commenced and when it is finished.

General provisions as to machinery

2. The following provisions shall have effect in connection with the use of machinery in a quarry:—

(*a*) A person shall not clean any part of a prime mover or any transmission machinery while in motion, or any part of a machine, the cleaning of which would expose that person to risk of injury either from that machine or from any adjacent machinery;

(*b*) Every crane shall be provided with an efficient catch or an efficient brake;

(*c*) Every crane or winch shall have the safe working load plainly marked upon it, and no crane or winch shall be used for any load exceeding the safe working load;

(*d*) Every moving part of the prime mover and all dangerous parts of the machinery, including transmission machinery, whether in an engine house or not, shall either be so fenced or be in such position or of such construction as to be safe to every person employed or working at the quarry;

(*e*) A belt, strap or rope, when not in use, shall not be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

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Steam boilers, &c.

3.—(1) Every steam boiler, whether separate or one of a range, in use at a quarry—

(*a*) shall have attached to it—

(i) a suitable safety valve, separate from any stop-valve, which shall be so adjusted as to permit the steam to escape at a working pressure not greater than the maximum permissible working pressure and shall, in the case of any new boiler taken into use after the commencement of this Act, be fixed directly to the boiler; and

(ii) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in pounds per square inch, and have marked upon it in a distinctive colour the maximum permissible working pressure; and

(iii) at least one water gauge of transparent material to show the water level in the boiler, and, if the working pressure in the boiler normally exceeds forty pounds per square inch, the gauge shall be provided with an efficient guard, but not so as to obstruct the reading of the gauge; and

(iv) a suitable stop valve connecting the boiler to the steam pipe; and

(v) where it is one of two or more boilers, a plate bearing a number which shall be easily visible; and

(*b*) shall be provided with means for attaching a test pressure gauge; and

(*c*) unless externally fired or of the water tube type, shall be provided with a suitable fusible plug or an efficient low-water alarm device.

For the purposes of this sub-section a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.

(2) Every steam boiler and all its fittings and attachments shall be maintained in efficient working order.

(3) Every steam boiler and all such fittings and attachments other than any stop valve shall be thoroughly examined by a competent person at least once in every

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period of fourteen months, and also after any extensive repairs; and the person making any such examination shall first examine the boiler when it is cold and the interior and exterior have been properly prepared, and again examine it when it is under normal steam pressure.

The examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold, or as soon as possible thereafter, and the person making such examination shall see that the safety valve blows off at a working pressure not greater than the maximum permissible working pressure.

(4) A report of the result of every such examination in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall within twenty-eight days be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association.

(5) An owner, occupier or agent shall not take into use at a quarry any new steam boiler unless it is stamped with the name of the manufacturer thereof and with a distinctive number, and unless he has obtained from the manufacturer of the boiler a certificate specifying the maximum permissible working pressure thereof, and stating the nature of the tests to which the boiler and fittings have been submitted; and an owner, occupier or agent proposing to take into his use at a quarry a steam boiler which has previously been used elsewhere shall not take it into use unless it has been examined and reported on in accordance with the last two preceding sub-sections.

(6) A steam boiler shall not be used except in accordance with any conditions as to safe working which may be specified in the report of the examination.

(7) In this section the expression "maximum permissible working pressure" means, in the case of a new steam boiler, that specified by the maker, and, in the case of a steam boiler which has been examined in accordance with the provisions of this section, that specified in the report of the last examination.

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Power of court to make orders as to dangerous conditions and practices.

4.—(1) If, on complaint by an inspector, a court of summary jurisdiction is satisfied either—

(*a*) that any part of the machinery or plant used in a quarry is in such a condition or is so constructed or is so placed that it cannot be used without danger of bodily injury; or

(*b*) that any process or work is carried on or anything is done in any quarry in such a manner as to threaten or tend to the bodily injury of any person;

the court may, as the case may require, by order—

(i) prohibit the use of that part of the machinery or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered; or

(ii) require the occupier to take such steps as may be specified in the order for remedying the danger complained of.

(2) Where a complaint has been made under this section, the court, or a justice may, on application ex parte by the inspector to the effect that the use of any such part of the machinery or plant involves imminent danger to life, make an interim order prohibiting, either absolutely or subject to conditions, the use thereof until the earliest opportunity for hearing and determining the complaint.

(3) In the event of any contravention of an order made under this section, the occupier, and, in the case of a contravention respecting any part of the machinery or plant, any person entitled to control the use of that part, shall be guilty of an offence and liable to a fine not exceeding twenty pounds, and to a further fine not exceeding five pounds for each day on which the contravention continues after conviction thereof.

Employment of children and young persons.

5.—(1) A child shall not be employed in a quarry or about the business of a quarry.

(2) A young person under sixteen years of age taken into any employment in a quarry in which machinery is used shall not remain in that employment for more than fourteen days unless within that period he has been examined by a registered medical practitioner and certified by him to be fit for that employment.

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(3) No young person under sixteen years of age shall be allowed to have charge in a quarry of any engine or windlass, or of any part of the machinery, ropes, chains or tackle connected therewith.

First-aid arrangements.

6. At every quarry there shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard, and where more than one hundred and fifty persons are employed an additional box or cupboard for every additional one hundred and fifty persons; and in any quarry where more than twelve persons are employed there shall be provided and maintained one or more stretchers for the safe removal of persons suffering from sickness or the results of any serious accident:

Provided that if the inspector is satisfied that the conditions of working at any quarry are such as to render compliance with any of the requirements aforesaid unnecessary, he may by certificate exempt the quarry from those requirements to such extent, and subject to such conditions, as he may specify in the certificate.

Provisions as to wages.

7.—(1) The wages of persons employed in a quarry shall not be paid in premises used for the sale of intoxicating liquor or in any place contiguous to such premises.

(2) The owner, occupier or agent of a quarry shall not make any deduction from the sum contracted to be paid by him to any person employed or receive, or allow any person in his employment to receive, any payment from any such person in respect of anything to be done or provided by such owner, occupier or agent in pursuance of this Part of this Act or rules made under this Part of this Act.

Observance of directions.

8. Every person shall observe such directions with respect to working as may be given to him with a view to complying with this Part of this Act or the rules made thereunder, or with a view to safety.

Penalties for non-compliance with provisions of Part I of Act.

9. Any person who contravenes or does not comply with any of the provisions of this Part of this Act or of the rules made under this Part of this Act, shall be guilty of an offence against this Act, and in the event of any contravention of, or non-compliance with, any of the provisions of the said Part or rules by any person whomsoever, the owner, occupier and agent of the quarry shall

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each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, those provisions to prevent that contravention or non-compliance.

Rules for purposes of Part I of Act.

10.—(1) The Ministry of Commerce shall have power to make rules for the conduct and guidance of persons acting in the management of a quarry or employed in the same, for the following purposes :—

(*a*) The prevention of dangerous accidents ;

(*b*) The health, safety and proper discipline of the persons employed ;

(*c*) The regulation of the supply, use and storage of explosives in quarries (including the prohibition of the use of explosives of any particular kind which appears to the said Ministry to be, or likely to become, dangerous) ;

(*d*) The regulation of the use of machinery and plant in a quarry ;

(*e*) The hours of employment and holidays of women and young persons ;

and all rules so made shall have effect as if they were enacted in this Part of this Act, but may be added to, altered or revoked by rules made by the said Ministry.

(2) Rules under this section may be made either for general application or for application to any particular quarry or to quarries of a particular class.

(3) The rules set forth in the First Schedule to this Act shall have effect, and may be added to, altered or revoked, as if they had been made by the Ministry of Commerce under this section.

PART II.

NOTIFICATION AND INVESTIGATION OF ACCIDENTS.

Notification of accidents.

11.—(1) Where, in any quarry, any accident occurs which either—

(*a*) causes loss of life to a person employed in the quarry ; or

(*b*) disables any such person for more than three days from earning full wages at the work at which he was employed ; or

(*c*) involves an explosion, or the breaking or overwinding of any rope, chain or other gear by which men are raised or lowered, whether

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personal injury or disablement is caused or not;

written notice of the accident in the prescribed form and accompanied by the prescribed particulars shall forthwith be sent to the inspector.

(2) If any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector as soon as the death comes to the knowledge of the occupier of the quarry.

(3) If any notice with respect to an accident in a quarry required to be sent by this section is not sent as so required, the occupier of the quarry shall be liable on conviction to a fine not exceeding five pounds.

(4) If any accident to which this section applies occurs to a person employed in a quarry, the occupier of which is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable on conviction to a fine not exceeding five pounds.

Provisions as to coroners' inquests on deaths from accidents.

12.—(1) With respect to coroners' inquests on the bodies of persons whose death may have been caused by explosions or accidents in quarries, the following provisions shall have effect:—

(*a*) Where a coroner holds an inquest upon a body of any person whose death may have been caused by any explosion or accident, of which notice is required by this Act to be given to the inspector, the coroner shall adjourn such inquest unless an inspector, or some person on behalf of the Ministry of Commerce, is present to watch the proceedings;

(*b*) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector notice in writing of the time and place of holding the adjourned inquest;

(*c*) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof;

(*d*) If an explosion or accident has not occasioned the death of more than one person, and the

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coroner has sent to the inspector notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn;

(*e*) An inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the coroner to disallow any question which, in his opinion, is not relevant or is otherwise not a proper question;

(*f*) Where evidence is given at an inquest, at which an inspector is not present, of any neglect as having caused or contributed to the explosion or accident, or of any defect in the quarry appearing to the coroner or jury to require a remedy, the coroner shall send to the inspector notice in writing of such neglect or default;

(*g*) Any person having a personal interest in or employed in, or in the management of, the quarry, in which the explosion or accident occurred shall not be qualified to serve on the jury empannelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury.

(2) Every person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

PART III.

ADMINISTRATION.

Appointment of inspectors of quarries.

13.—(1) The Minister of Commerce, with the approval of the Ministry of Finance as to numbers and salaries, may appoint such inspectors as he thinks necessary for the execution of this Act, and may regulate the cases and manner in which the inspectors or any of them are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors; and in this Act the expression "inspector" means an inspector appointed under this section.

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(2) Notice of the appointment of every inspector shall be published in the Belfast Gazette.

Powers of inspectors.

14.—(1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, namely:—

(*a*) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with in the case of any quarry;

(*b*) to enter, inspect and examine any quarry, and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct the working of the quarry;

(*c*) to examine into and make inquiry respecting the state and condition of any quarry, and all matters and things connected with or relating to the safety of the persons employed in the quarry, or any quarry contiguous thereto;

(*d*) to require the production of the registers, certificates, notices and documents kept in pursuance of this Act, and to inspect, examine and copy the same;

(*e*) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person employed in a quarry, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he was so examined:

Provided that no one shall be required under this provision to answer any question, or give any evidence, tending to incriminate himself; and

(*f*) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) Every person who wilfully obstructs any inspector in the execution of his duty under this Act, and every owner, occupier or agent of a quarry who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination or inquiry under this Act in relation to such quarry, shall be guilty of an offence against this Act.

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Annual and special reports of inspectors.

15.—(1) Every inspector shall make an annual report of his proceedings during the preceding year to the Ministry of Commerce, and that report shall be laid before both Houses of Parliament.

(2) The Ministry of Commerce may, at any time, direct an inspector to make a special report with respect to any accident in a quarry, being an accident which has caused loss of life or personal injury to any person, and in such case shall cause the report to be made public at such time and in such manner as the said Ministry may direct.

Power of inspector to conduct proceedings before justices.

16. An inspector, if so authorised in writing by the Ministry of Commerce, may, although he is not a barrister-at-law or solicitor, prosecute, conduct or defend before a court of summary jurisdiction or justice any information, complaint or other proceeding arising under this Act or in the discharge of his duty as inspector.

Returns by owners, occupiers or agents of quarries.

17.—(1) The owner, occupier or agent of every quarry shall, on or before the first day of February in every year, send to the Ministry of Commerce a correct return in the prescribed form specifying, with respect to such quarry for the year ending on the preceding thirty-first day of December, the quantity in statute weight and the name of the mineral produced or gotten during that year, the value or selling price of the mineral in the condition in which it leaves the quarry and the number of persons ordinarily employed in the quarry.

(2) The said return shall include particulars of all accidents which have occurred in or at the quarry during the year to which the return relates, and which have disabled for more than three days any person employed in the quarry from earning full wages at the work at which he was employed.

(3) Every owner, occupier or agent of a quarry who fails to comply with this section shall be guilty of an offence against this Act.

Affixing of abstract of Act and notices.

18.—(1) There shall be kept affixed at every quarry, in the prescribed form and in such position as to be easily read by the persons employed in the quarry—

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(*a*) the prescribed abstract of this Act;

(*b*) an entire copy of any rules made by the Ministry of Commerce and applicable to the quarry; and

(*c*) every notice and document required by this Act to be affixed at the quarry:

Provided that the inspector may grant exemption in writing from any of the requirements of this section, in cases where he is satisfied that it would be impracticable to comply with them.

(2) The owner, occupier or agent of a quarry shall supply a printed copy of the prescribed abstract of this Act, and of any rules applicable to the quarry, free of charge to each person employed at the quarry who applies for such copy.

(3) If any owner, occupier or agent of a quarry fails to comply with this section he shall be guilty of an offence against this Act, but shall not be deemed guilty if he proves that he has taken all reasonable means to effect compliance therewith.

(4) If any person pulls down, injures or defaces any abstract, notice, rules or other document posted up in pursuance of this Act, he shall be guilty of an offence against this Act.

General registers and records.

19.—(1) For every quarry there shall be kept a general register in which there shall be entered in the prescribed form—

(*a*) the names of any young persons employed in the quarry, the dates of their birth, the dates on which they enter and leave the service of their employer, and any other prescribed particulars;

(*b*) the report of every examination of a steam boiler;

(*c*) particulars of all accidents occurring in the quarry; and

(*d*) such other matters as may be prescribed.

(2) The owner, occupier, or agent of a quarry shall send to the inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

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(3) The general register shall be preserved and shall be kept available for inspection by any inspector—

(*a*) when it is in use, during the working hours of the quarry; and

(*b*) when no longer in use, for at least two years after the date of the last entry in such register.

False entries and false declarations.

20. If any person—

(*a*) falsely pretends to be an inspector; or

(*b*) wilfully makes a false entry in any register, notice, certificate, return or document required by this Act to be kept or served or sent; or

(*c*) wilfully makes or signs a false declaration under this Act; or

(*d*) knowingly makes use of any such false entry or declaration;

he shall be guilty of an offence against this Act, and liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months.

Powers of Ministry of Commerce.

21.—(1) The Ministry of Commerce shall have power to make rules for prescribing anything which is required to be prescribed for any purpose of this Act.

(2) Rules made by the Ministry of Commerce under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

PART IV.

PENALTIES AND LEGAL PROCEEDINGS.

Penalty for offences against Act.

22.—(1) Every person employed in a quarry, other than the owner, occupier, or agent, who is guilty of any act or omission which, in the case of an owner, occupier, or agent, would be an offence against this Act, shall be deemed to be guilty of an offence against this Act.

(2) If a quarry is not managed or worked in conformity with this Act, the owner, occupier, and agent thereof shall each be deemed to be guilty of an offence against this Act.

(3) Every person who is guilty of an offence against this Act, for which a penalty is not expressly provided, shall be liable to a fine not exceeding five pounds for

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each offence, and, if an inspector has given written notice of any such offence, to a further fine not exceeding one pound for every day after such notice that such offence continues to be committed.

(4) Where a person is guilty of any offence against this Act, which, in the opinion of the court which tries the case, is one which was likely to endanger the safety of the persons employed in the quarry, or to cause serious personal injury to any of such persons or to cause a dangerous accident, and was committed wilfully by the personal act, personal default or personal negligence of the person accused, such person shall be liable, if the court is of the opinion that a fine will not meet the circumstances of the case, to imprisonment with or without hard labour for a period not exceeding three months.

Proceedings against owners, occupiers and agents.

23.—(1) Where proceedings are taken under this Act against the owner, occupier, or agent of a quarry in respect of an offence against this Act for which the owner, occupier, or agent or each of them is liable under this Act, the owner, occupier, or agent shall not be liable to any penalty if he proves to the satisfaction of the court—

(*a*) that he was not in the habit of taking, and did not in respect of the matters in question take, any part in the management of the quarry; and

(*b*) that the offence was committed without his knowledge, consent or connivance.

(2) No prosecution shall be instituted against the owner, occupier, or agent of a quarry for any offence against this Act which can be prosecuted before a court of summary jurisdiction, except by an inspector or with the consent in writing of the Ministry of Commerce; and in the case of an offence of which the owner, occupier, or agent is not guilty, if he proves that he had taken all reasonable means to prevent the commission thereof, an inspector shall not institute any prosecution against such owner, occupier, or agent if satisfied that he had taken such reasonable means as aforesaid.

Provision as to prosecutions taken otherwise than under Act.

24. Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, but so that no person shall be punished twice for the same offence.

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If the court, before whom a person is charged with an offence against this Act, thinks that such proceedings ought to be taken against such person for such offence under any other Act or otherwise, the court may adjourn the case to enable such proceedings to be taken.

General provisions as to prosecutions and appeals.

25.—(1) All offences against this Act shall be prosecuted, and all fines thereunder shall be recovered, in manner provided by the Summary Jurisdiction (Ireland) Acts; and a person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may appeal in manner provided by the said Summary Jurisdiction Acts.

(2) A court of summary jurisdiction, when hearing and determining an information or complaint in any matter arising under this Act, shall be constituted of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836, sitting alone or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions.

6 & 7 Will 4. c. 13.

(3) In any proceedings under this Act—

(*a*) it shall be sufficient to allege that the quarry is a quarry within the meaning of this Act;

(*b*) It shall be sufficient to state the name of the ostensible owner or occupier of the quarry, or the title of the firm or company;

(*c*) the court shall, if required by either party, cause minutes of the evidence to be taken and preserved.

(4) Any complaint or information made or laid in pursuance of this Act shall be made or laid within three months from the time when the matter of such complaint or information respectively arose:

Provided that in any case where, with respect to, or in consequence of, any accident in a quarry, a report is made by the court appointed to hold a formal investigation under this Act or under the Boiler Explosions Acts, 1882 and 1890, or a coroner's inquest is held, and it appears from the report or from proceedings at the inquest that any of the provisions of this Act, or any rules made thereunder, were not complied with at or before the time of the accident, summary proceedings against

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any person liable to be proceeded against in respect of such non-compliance may be commenced at any time within three months after the making of the report or the conclusion of the inquest.

Application of penalties.

26.—(1) Where a fine is imposed under this Act for neglecting to send a notice of any explosion or accident or for any offence against this Act which has occasioned loss of life or personal injury, the Ministry of Commerce may, if it thinks fit, direct such fine to be paid to or distributed among the persons injured and the relatives of any persons whose death may have been occasioned by such explosion, accident, or offence, or among some of them :

Provided that—

(i) such persons did not, in the opinion of the said Ministry, occasion or contribute to occasion the explosion or accident, and did not commit and were not parties to committing the offence ;

(ii) the fact of such payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to, or consequential on, such explosion, accident or offence.

(2) Save as aforesaid, all fines imposed and recovered under this Act shall be applied in manner directed by the Fines Act (Ireland), 1851, and any enactment amending the same.

14 & 15 Vict., c. 90.

Proceedings against persons other than owner, &c.

27. Where, under this Act, any person is substituted for the owner, occupier, or agent, with respect to any provisions of this Act, any order, summons, notice or proceeding which, for the purpose of any of those provisions, is by this Act required or authorised to be served on, or taken in relation to, the owner, occupier, or agent is hereby required or authorised (as the case may be) to be served on, or taken in relation to, that person.

Service and sending of documents, &c.

28.—(1) Any document (including any summons or order) required or authorised to be served under this Act may be served—

(*a*) on any person by delivering it to him, or by leaving it at, or sending it by post to, his residence ;

(*b*) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm ;

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(*c*) on the owner or occupier of a quarry in any such manner as aforesaid, or by delivering it, or a true copy thereof, to his agent.

(2) Any such document may be addressed, for the purpose of the service thereof on the occupier of a quarry, to "the occupier" at the proper postal address of the quarry without further name or description, and for the purpose of accepting delivery of any document or copy served under this section any person in a quarry shall be deemed to be the agent of the occupier thereof.

(3) The foregoing provisions of this section shall apply, with the necessary modifications, to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing and acceptance of such documents.

PART V.

SUPPLEMENTARY.

Quarries to which Act applies.

29.—(1) This Act shall apply to every place (not being a mine) in which persons work in getting stone, slate, sand, clay or other minerals; and every such place is in this Act referred to as a quarry.

(2) For the purposes of this Act a quarry shall be deemed to comprise—

(*a*) any premises in or adjacent to, and belonging to, a quarry in which the only process carried on is a process ancillary to the getting of the minerals, including the breaking, crushing, grinding, screening, washing and dressing of such minerals; and

(*b*) any line or siding (not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900) used exclusively in connection with, and for the purposes of, a quarry; and

63 & 64 Vict. c. 27.

(*c*) any dock, wharf, quay, or landing stage adjacent to and belonging to a quarry and used exclusively for purposes connected therewith.

(3) If any question arises (otherwise than in legal proceedings) whether a quarry is a quarry to which this Act applies, or whether any place or premises is or are comprised within any such quarry, such question shall be referred to the Ministry of Commerce, whose decision thereon shall be final.

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(4) Notwithstanding anything contained in this Act, nothing done by virtue of any power under section one hundred and sixty-two of the Grand Jury (Ireland) Act, 1836 (as adapted by the Local Government Adaptation of Irish Enactments Order, 1899), as extended by section twelve of the Local Government (Ireland) Act, 1898, shall have effect so as to apply any provision of this Act as against the owner, occupier or agent of any premises entered under such power, unless such provision would have so applied had nothing been done by virtue of such power.

6 & 7 Will. 4, c. 116.

61 & 62 Vict., c. 37.

General interpretation.

30.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Owner" means, in relation to any quarry, any person who is the immediate proprietor or the lessee of the quarry or of any part thereof, but does not include a person who merely receives a royalty, rent or fine from a quarry, or is merely the proprietor of a quarry subject to any lease, grant or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the quarry:

"Occupier" means, in relation to any quarry, any person other than the owner who, for the time being, is in actual use and occupation of a quarry, or of any part thereof, for the purpose of getting minerals therefrom:

"Agent" means any person having, on behalf of the owner or occupier, care or direction of any quarry, or of any part thereof:

"Child" means a person under the age of fourteen years:

"Young person" means a person who has ceased to be a child, and who is under the age of eighteen years:

"Overburden" means, in relation to a quarry, any ground or material lying on the rock or mineral worked:

"Machinery" includes any driving strap or band:

"Prime mover" means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, combustion or other source:

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"Transmission machinery" means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving strap or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance:

"Process" includes the use of any locomotive:

"Steam boiler" means any closed vessel in which, for any purpose, steam is generated under pressure greater than atmospheric pressure, and any super-heater:

"Prescribed" means prescribed for the time being by the Ministry of Commerce.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Short title, commencement and repeals.

31.—(1) This Act may be cited as the Quarries Act (Northern Ireland), 1927.

(2) This Act shall come into operation on the second day of January, nineteen hundred and twenty-eight.

(3) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that—

(i) without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889, any order, regulation, requirement, appointment or agreement made, or certificate or notice given, under any enactment repealed by this Act which is in force at the date of the commencement of this Act shall continue in force and shall have effect as if it had been made or given under the corresponding provision of this Act; 52 & 53 Vict., c. 63.

(ii) the repeal of any such enactment shall not be construed as affecting any requirement of the Employment of Women, Young Persons, and Children Act, 1920, so far as that Act relates to employment in quarries. 10 & 11 Geo. 5 c. 65.

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Section 10.

FIRST SCHEDULE.

RULES FOR GENERAL APPLICATION.

Prevention of Dangerous Accidents in a Quarry.

1. The owner, occupier, or agent shall see that a sufficient supply of proper materials and appliances for the purpose of carrying out the provisions of the Act and these rules and any regulations made in pursuance of these rules, and for the purpose of ensuring the safety of the quarry and the persons employed, is always provided.

2. Every person employed at the quarry shall comply with the provisions of these rules, and of any regulations made by the owner, occupier or agent in pursuance of these rules, and with such directions concerning safety and discipline as may be given to him by persons in authority over him.

3. Every workman employed at the quarry shall, before commencing work, and during the course of it, and especially after blasting, make a careful examination of his working place, and remove any loose rock, stones or ground which might be dangerous.

Safety of Persons Employed.

4. Secure means of access, by which all persons employed can go to and from their working places, shall be provided and maintained in good condition by the owner, occupier, or agent.

5. Every person employed at the quarry shall, before commencing work, satisfy himself as to the safety of the rope or other appliance provided for his use, and shall not use anything which he finds unsafe.

Regulation of Supply, Use and Storage of Explosives.

6. In quarries where blasting is done daily it shall, as far as possible, be done at fixed stated intervals.

7. The owner, occupier, or agent shall make regulations as to intervals and signals for blasting, copies of which shall be kept constantly affixed in the office at the quarry and in a sufficient number of places in and adjacent to the quarry.

8. A sufficient number of proper shelters shall be provided by the owner, occupier, or agent, and used by the persons employed, unless all persons employed leave the quarry during blasting, and retire to a safe distance.

9. The owner, occupier or agent of any quarry in which explosives are used shall provide a suitable place or magazine for storage of any explosive kept at the quarry.

10. Detonators shall be kept in secure and securely locked boxes separate from any other explosive, and such boxes shall not be placed in any receptacle containing other explosives.

11. Every workman or gang of workmen temporarily in possession of explosives shall keep them, when not required for immediate use, in a properly constructed locked place or chest provided exclusively

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for the purpose; and such place shall not be within, and such chest shall not be taken into, any place where there is a fire, or any mess-room or work-room or similar place where persons congregate. The interior of every such locked place and chest shall be kept clean and free from grit.

12. No person shall smoke, or have any naked light, whilst carrying, handling or using explosive, or whilst within twenty feet of any person who is so doing; but this rule shall not prevent the use of a naked light for firing a shot.

13. Where explosives containing nitro-glycerine and likely to be affected by cold or frost are used or kept for use, proper warming pans shall be provided by the owner or occupier, and all such explosives shall, immediately before use, be softened in such warming pans if they show any signs of hardness.

14. No explosive shall be rammed with violence or forcibly pressed into a hole. If two or more cartridges are used in a drilled hole, they shall not be tied or bunched together.

15. No tool, other than a rammer composed only of wood, shall be used for pushing any explosive into a hole.

16. No tool of iron or steel, or partly of iron or steel, shall be used for stemming any hole.

17. No boring shall be done in, or metal tool introduced into, any hole or socket of a hole which has been blasted with gelignite or any nitro-glycerine explosive.

18. If a shot misses fire, or does not explode at the time when it was intended to explode, no person shall go or be allowed to go near it until it has exploded, or until an interval has elapsed of not less than one hour in the case of firing by fuse, or ten minutes in the case of firing by electricity. The person whose shot has apparently missed fire shall immediately give warning of the occurrence to all persons likely to be affected, and to the person under whose direction he works.

19. A charge which has missed fire shall not be unrammed, bored or picked out; but this requirement shall not preclude the extraction of the detonator by means of any apparatus approved by the Ministry of Commerce for enabling a detonator to be removed with safety after the shot-hole has been charged.

20. If it is necessary to bore a hole near a charge which has missed fire, care shall be taken to bore the hole in such a manner as not to affect or ignite the unexploded charge.

21. After a second shot has been fired near a missed-fire shot, careful search shall be made by a competent person for the unexploded charge.

Regulation of Use of Machinery and Plant.

22. Lines of rails and points shall be kept in efficient order, having regard to the nature of the traffic.

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23. The rails at the top of all inclined planes shall be supplied with stops or other suitable appliances to prevent wagons from running away.

24. Sprags and scotches shall be supplied and used, as and when required, on railways and tramways.

25. Every fly-wheel and all exposed and dangerous parts of the machinery used in the quarry shall be kept securely fenced.

Section 31.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict., c. 42.	The Quarries Act, 1894.	The whole Act.
1 Edw. 7, c. 22.	The Factory and Workshop Act, 1901.	The whole Act, so far as it relates to quarries.
6 Edw. 7, c. 53.	The Notice of Accidents Act, 1906.	The whole Act, so far as it relates to accidents in quarries.
13 & 14 Geo. 5, c. 33.	The Workmen's Compensation Act (Northern Ireland), 1923.	Sections twenty-five and twenty-six, so far as they relate to quarries.

CHAPTER 20.

An Act to declare and amend the law relating to trade disputes and trade unions, to regulate the position of civil servants and persons employed by public authorities in respect of membership of trade unions and similar organisations, to extend section five of the Conspiracy, and Protection of Property Act, 1875, and for other purposes connected with the purposes aforesaid.

[21st December, 1927.]

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BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Illegal strikes and lock-outs.

1.—(1) It is hereby declared—

(*a*) that any strike is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged; and

(ii) is a strike designed or calculated to coerce the Government either directly or by inflicting hardship upon the community; and

(*b*) that any lock-out is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the employers locking-out are engaged; and

(ii) is a lock-out designed or calculated to coerce the Government either directly or by inflicting hardship upon the community;

and it is further declared that it is illegal to commence, or continue, or to apply any sums in furtherance or support of, any such illegal strike or lock-out.

For the purposes of the foregoing provisions—

(*a*) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of persons in that trade or industry; and

(*b*) without prejudice to the generality of the expression "trade or industry" workmen shall be deemed to be within the same trade or industry if their wages or conditions of

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employment are determined in accordance with the conclusions of the same joint industrial council, conciliation board or other similar body, or in accordance with agreements made with the same employer or group of employers.

(2) If any person declares, instigates, incites others to take part in or otherwise acts in furtherance of a strike or lock-out, declared by this Act to be illegal, he shall be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a term not exceeding three months, or on conviction on indictment to imprisonment for a term not exceeding two years:

Provided that no person shall be deemed to have committed an offence under this section or at common law by reason only of his having ceased work or refused to continue to work or to accept employment.

(3) Where any person is charged before any court with an offence under this section, no further proceedings in respect thereof shall be taken against him without the consent of the Attorney General for Northern Ireland, except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the safe custody of the person charged, but this sub-section shall not apply to any prosecution instituted by or on behalf of the said Attorney General.

6 Edw. 7, c. 47.

16&17Geo 5, c. 8.

(4) The provisions of the Trade Disputes Act, 1906, shall not, nor shall the proviso to sub-section (1) of section two of the Emergency Powers Act (Northern Ireland), 1926, apply to any act done in contemplation or furtherance of a strike or lock-out which is by this Act declared to be illegal, and any such act shall not be deemed for the purposes of any enactment to be done in contemplation or furtherance of a trade dispute:

Provided that no person shall be deemed to have committed an offence under any regulations made under the Emergency Powers Act (Northern Ireland), 1926, by reason only of his having ceased work or having refused to continue to work or to accept employment.

Protection of persons refusing to take part in illegal strikes or lock-outs.

2.—(1) No person refusing to take part or to continue to take part in any strike or lock-out which is by this Act declared to be illegal, shall be, by reason

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of such refusal or by reason of any action taken by him under this section, subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he or his legal personal representatives would otherwise be entitled, or liable to be placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the union or society, anything to the contrary in the rules of a trade union or society notwithstanding.

(2) No provisions of the Trade Union Acts, 1871 to 1917, limiting the proceedings which may be entertained by any court, and nothing in the rules of a trade union or society requiring the settlement of disputes in any manner shall apply to any proceeding for enforcing any right or exemption secured by this section, and in any such proceeding the court may, in lieu of ordering a person who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade union or society such sum by way of compensation or damages as the court thinks just.

(3) As respects any strike or lock-out before the passing of this Act but since the first day of May, nineteen hundred and twenty-six, which, according to the law as declared by this Act, was illegal, this section shall have effect as if it had been in operation when the strike or lock-out took place.

Prevention of intimidation, &c.

3.—(1) It is hereby declared that it is unlawful for one or more persons (whether acting on their own behalf or on behalf of a trade union or of an individual employer or firm, and notwithstanding that they may be acting in contemplation or furtherance of a trade dispute) to attend at or near a house or place where a person resides or works or carries on business or happens to be, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working, if they so attend in such numbers or otherwise in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace; and attending at or near

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any house or place in such numbers or in such manner as is by this sub-section declared to be unlawful shall be deemed to be a watching or besetting of that house or place within the meaning of section seven of the Conspiracy, and Protection of Property Act, 1875.

38 & 39 Vict., c. 86.

(2) In this section the expression "to intimidate" means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property, and the expression "injury" includes injury to a person in respect of his business, occupation, employment or other source of income, and includes any actionable wrong.

(3) In section seven of the Conspiracy, and Protection of Property Act, 1875, the expression "intimidate" shall be construed as having the same meaning as in this section.

(4) Notwithstanding anything in any Act, it shall not be lawful for one or more persons, for the purpose of inducing any person to work or to abstain from working, to watch or beset a house or place where a person resides or the approach to such a house or place, and any person who acts in contravention of this sub-section shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months.

Provisions as to political fund.

4.—(1) It shall not be lawful to require any member of a trade union to make any contribution to the political fund of a trade union unless he has at some time after the commencement of this Act and before he is first after the thirty-first day of December, nineteen hundred and twenty-seven, required to make such a contribution delivered at the head office or some branch office of the trade union, notice in writing in the form set out in the First Schedule to this Act of his willingness to contribute to that fund and has not withdrawn the notice in manner hereinafter provided; and every member of a trade union who has not delivered such a notice as aforesaid, or who, having delivered such a notice, has withdrawn it in manner hereinafter provided, shall be deemed for the purposes of the Trade Union Act, 1913, to be a member who is exempt from the

2 & 3 Geo. 5, c. 30.

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obligation to contribute to the political fund of the union, and references in that Act to a member who is so exempt shall be construed accordingly:

Provided that, if at any time a member of a trade union who has delivered such a notice as aforesaid gives notice of withdrawal thereof, delivered at the head office or at any branch office of the trade union, he shall be deemed for the purposes of this sub-section to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.

For the purposes of this sub-section, a notice may be delivered personally or by any authorised agent and any notice shall be deemed to have been delivered at the head or a branch office of a trade union if it has been sent by post properly addressed to that office.

(2) All contributions to the political fund of a trade union from members of the trade union who are liable to contribute to that fund shall be levied and made separately from any contributions to the other funds of the trade union and no assets of the trade union, other than the amount raised by such a separate levy as aforesaid, shall be carried to that fund, and no assets of a trade union other than those forming part of the political fund shall be directly or indirectly applied or charged in furtherance of any political object to which section three of the Trade Union Act, 1913, applies; and any charge in contravention of this sub-section shall be void.

(3) All rules of a trade union made and approved in accordance with the requirements of section three of the Trade Union Act, 1913, shall be amended so as to conform to the requirements of this Act, and as so amended shall be approved by the officer appointed by the Government of Northern Ireland to perform in Northern Ireland the functions of Registrar of Friendly Societies (in this Act referred to as "the Registrar of Friendly Societies") within six months after the commencement of this Act or within such further time as the said Registrar may in special circumstances allow, and if the rules of any trade union are not so amended and approved as aforesaid they shall be deemed not to comply with the requirements of the said section:

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Provided that, where the rules of any trade union have been amended and approved in pursuance of sub-section (3) of section four of the Trade Disputes and Trade Unions Act, 1927 (passed by the Parliament of the United Kingdom), the deposit with the Registrar of Friendly Societies of copies of those rules as so approved shall be a sufficient compliance with this sub-section.

17&18 Geo. 5, c. 22.

(4) Notwithstanding anything in this Act, until the thirty-first day of December, nineteen hundred and twenty-seven, it shall be lawful to require any member of a trade union to contribute to the political fund of the trade union as if this Act had not been passed.

(5) If the Registrar of Friendly Societies is satisfied, and certifies, that rules for the purpose of complying with the provisions of this section, or for the purposes of the Trade Union Act, 1913, as amended by this Act, which require approval by the said Registrar have been approved by a majority of the members of a trade union voting for the purpose, by the executive or other governing body of such a trade union, or by a majority of delegates of such a trade union voting at a meeting called for the purpose, the said Registrar may approve those rules and those rules shall thereupon have effect as rules of the union notwithstanding that the provisions of the rules of the union as to the alteration of rules or the making of new rules have not been complied with:

Provided that, if the Registrar of Friendly Societies certifies that any rules have taken effect as rules of a trade union in pursuance of sub-section (5) of section four of the Trade Disputes and Trade Unions Act, 1927 (passed by the Parliament of the United Kingdom), this sub-section shall apply to those rules as if they had been approved by the Registrar under this sub-section.

34 & 35 Vict., c. 31.

(6) Section sixteen of the Trade Union Act, 1871 (which provides for the transmission to the Registrar of Friendly Societies of annual returns by registered trade unions) shall apply to every unregistered trade union so far as respects the receipts, funds, effects, expenditure, assets and liabilities of the political fund thereof.

Regulations as to organisations of which established civil servants may be members.

5.—(1) Amongst the regulations as to the conditions of service in the Civil Service of Northern Ireland there shall be included regulations prohibiting established civil servants from being members, delegates, or repre-

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sentatives of any organisation of which the primary object is to influence or affect the remuneration and conditions of employment of its members, unless the organisation is an organisation of which the membership is confined to persons employed by or under the Crown and is an organisation which complies with such provisions as may be contained in the regulations for securing that it is in all respects independent of, and not affiliated to, any such organisation as aforesaid the membership of which is not confined to persons employed by or under the Crown or any federation comprising such organisations, that its objects do not include political objects, and that it is not associated directly or indirectly with any political party or organisation:

Provided that the regulations made in compliance with the provisions of this section shall not prevent—

(*a*) any person who is at the comencement of this Act an established civil servant from remaining a member of any trade union or organisation not composed wholly or mainly of persons employed by or under the Crown of which he had, at the commencement of this Act, been a member for more than six months if under the rules thereof there had, on the twelfth day of October, nineteen hundred and twenty-seven, accrued or begun to accrue to him a right to any future payment during incapacity, or by way of superannuation, or on the death of himself or his wife, or as provision for his children; or

(*b*) any person employed at the commencement of this Act by or under the Crown who thereafter becomes an established civil servant from remaining, so long as he is not appointed to a position of supervision or management, a member of any trade union or organisation, not composed wholly or mainly of persons employed by or under the Crown, of which he is a member at the date when he so becomes an established civil servant, if under the rules thereof there has at that date accrued, or begun to accrue, to him a right to any future payment during incapacity, or by way of superannuation, or on

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the death of himself or his wife, or as provision for his children; or

(*c*) a person who in addition to being an established civil servant is, apart from his service as such, also engaged in some other employment or occupation from being a member, delegate, or representative of any trade union or organisation, of which the primary object is to influence or affect the remuneration or conditions of employment of persons engaged in that employment or occupation.

(2) Subject as hereinafter provided, any established civil servant who contravenes the regulations made under this section shall be disqualified for being a member of the Civil Service of Northern Ireland:

Provided that, in the case of a first offence, a civil servant shall forthwith be warned by the head of his department, and the said disqualification shall not take effect if within one month after such warning the civil servant ceases to contravene the said regulations.

(3) In this section—

(*a*) the expression "established civil servant" means a person serving in an established capacity in the permanent Civil Service of Northern Ireland, and includes any person who, having been granted a certificate by the Civil Service Commissioners for Northern Ireland, is serving a probationary period preliminary to establishment; and

(*b*) the expression "conditions of employment" means in relation to persons other than persons employed by or under the Crown the conditions of employment of persons employed under a contract of service.

Provisions as to persons employed by local and other public authorities.

6.—(1) It shall not be lawful for any local or other public authority to make it a condition of the employment or continuance in employment of any person that he shall or shall not be a member of a trade union, or to impose any condition upon persons employed by the authority whereby employees who are or who are not members of a trade union are liable to be placed in any respect either

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directly or indirectly under any disability or disadvantage as compared with other employees.

(2) It shall not be lawful for any local or other public authority to make it a condition of any contract made or proposed to be made with the authority, or of the consideration or acceptance of any tender in connection with such a contract, that any person to be employed by any party to the contract shall or shall not be a member of a trade union.

(3) Any condition imposed in contravention of this section shall be void.

(4) There shall be added to section five of the Conspiracy, and Protection of Property Act, 1875, the following provision, that is to say:—

"If any person employed by a local or other "public authority wilfully breaks a contract of "service with that authority, knowing or having "reasonable cause to believe that the probable "consequence of his so doing, either alone or in "combination with others, will be to cause injury "or danger or grave inconvenience to the com- "munity, he shall be liable, on summary conviction, "to a fine not exceeding ten pounds or to imprison- "ment for a term not exceeding three months."

Restraint of application of funds of trade unions, &c., in contravention of s. 1 of Act.

7. Without prejudice to the right of any person having a sufficient interest in the relief sought to sue or apply for an injunction to restrain any application of the funds of a trade union in contravention of the provisions of this Act, an injunction restraining any application of the funds of a trade union in contravention of the provisions of section one of this Act may be granted at the suit or upon the application of the Attorney General for Northern Ireland.

Furnishing of returns, &c.

8.—(1) Any trade union carrying on business in Northern Ireland and being a trade union registered in Great Britain under the Trade Union Acts, 1871 to 1927, (or being unregistered but required by those Acts to furnish returns in Great Britain under section sixteen of the Trade Union Act, 1871) shall, before the first day of June in every year, transmit to the Registrar of Friendly Societies—

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(*a*) a copy, certified in such manner as the said Registrar may require, of the general statement and other documents transmitted in that year, in pursuance of the said section sixteen, to, and recorded by, the officer acting as registrar for the purposes of the said section in its application to Great Britain; and

(*b*) a statement setting forth, in relation to the business carried on by the trade union in Northern Ireland, such particulars of the receipts and expenditure of the trade union, and other information, as the Registrar of Friendly Societies may require.

(2) Section sixteen of the Trade Union Act, 1871, shall apply to every trade union carrying on business in Northern Ireland but having its principal office outside the United Kingdom, so as to require such trade union to transmit to the Registrar of Friendly Societies, in relation to the business carried on in Northern Ireland, such particulars of the receipts and expenditure of the trade union, and other information, as the Registrar of Friendly Societies may require; and until compliance has been effected on behalf of such trade union with all requirements of the Trade Union Acts, 1871 to 1917, or this Act which are applicable to such trade union, it shall not be entitled in Northern Ireland to any of the privileges of those Acts.

(3) Every trade union (not being a trade union registered in Northern Ireland) carrying on business in Northern Ireland shall furnish to the Registrar of Friendly Societies before the first day of June in every year the names and addresses of some one or more persons resident in Northern Ireland authorised to accept, on behalf of the trade union, service of process and any notices required to be served on the trade union.

Any process or notice required to be served on such trade union shall be sufficiently served if addressed to any person whose name has been so furnished as aforesaid, and left at or sent by post to the address which has been so furnished.

39 & 40 Vict. c. 22.

(4) Section fifteen of the Trade Union Act Amendment Act, 1876, shall apply in the case of any failure to transmit or furnish to the Registrar of Friendly Societies

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any statement or other information required to be transmitted or furnished to him by or under this section.

Short title, construction, interpretation and repeal.

9.—(1) This Act may be cited as the Trade Disputes and Trade Unions Act (Northern Ireland), 1927, and shall be construed as one with the Trade Union Acts, 1871 to 1917, and this Act and the Trade Union Acts, 1871 to 1917, may be cited together as the Trade Union Acts (Northern Ireland), 1871 to 1927.

(2) For the purposes of this Act—

(*a*) the expression " strike " means the cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding of any number of persons who are, or have been so employed, to continue to work or to accept employment;

(*b*) the expression " lock-out " means the closing of a place of employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment; and

(*c*) a strike or lock-out shall not be deemed to be calculated to coerce the Government unless such coercion ought reasonably to be expected as a consequence thereof.

(3) References in this Act to enactments of the Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those enactments as they apply in Northern Ireland.

(4) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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SCHEDULES.

Section 4.

FIRST SCHEDULE.

FORM OF POLITICAL FUND CONTRIBUTION NOTICE.

Name of Trade Union.....

Name of member's branch (if any).....

POLITICAL FUND (CONTRIBUTION NOTICE).

I HEREBY give notice that I am willing, and agree, to contribute to the Political Fund of the..... Union and I understand that I shall, in consequence, be liable to contribute to that Fund and shall continue to be so liable unless I deliver at the head office, or some branch office, of the Union a written notice of withdrawal: I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the Political Fund until the next following first day of January.

A..... B.....

Address.....

Membership number (if any).....

.....day of.....19.....

Section 9

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. 5, c. 30.	The Trade Union Act, 1913.	In sub-section (1) of section three the words from "and for the exemption" to "objects to contribute"; sub-section (2) of section four; section five; section six; the Schedule.

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CHAPTER 21.

A.D. 1927.

An Act to amend the law relating to the sale and supply of intoxicating liquor (including methylated spirits and methylated ether), the registration of clubs, and the licensing of theatres and music halls; and for purposes connected therewith. [21st December, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions as to trades, &c., permitted to be carried on in licensed premises. 13&14 Geo. 5. c. 12.

1.—(1) Nothing in sub-section (1) of section two of the Intoxicating Liquor Act (Northern Ireland), 1923 (in this Act referred to as "the Act of 1923") shall be construed as preventing any person from carrying on the trade or business of the sale of intoxicating liquor by wholesale (in pursuance of the enactments in that behalf) in premises in respect of which a retailer's off-licence is in force, or as debarring a person who carries on the said trade or business in any premises, from holding a retailer's off-licence in respect of those premises:

Provided that the sale of intoxicating liquor by wholesale in premises in respect of which a retailers' off-licence is in force shall be carried on only at the times during which such off-licence business may lawfully be carried on.

(2) The following sub-section shall be substituted for sub-section (1) of section six of the Act of 1923:—

"(1) (*a*) Where any trade or business, other than an on-licence business, is carried on in the same premises as an on-licence business, the parts of the premises in which the on-licence business and the other trade or business, respectively, are carried on shall be structurally separated from, and have no internal communication with each other:

Provided that—

(i) this sub-section shall not apply to any premises structurally adapted for use, and bonâ fide used, as a hotel as hereinbefore

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in this Act defined, or as a railway refreshment room or as a restaurant:

(ii) notwithstanding anything contained in this sub-section, any of the following businesses, that is to say, the sale of tobacco, table waters, and such food as may be supplied for consumption on the premises, or the sale of intoxicating liquor by wholesale in pursuance of the enactments in that behalf, may be carried on in any premises, or in any part of any premises, where an on-licence business is carried on, but only at the times during which such on-licence business may lawfully be carried on;

(iii) nothing in this sub-section shall prevent a licensed person from carrying on at any time, in any premises, or in any part of any premises, where his on-licence business is carried on, the business of providing temporary stabling or similar accommodation for vehicles or animals.

(*b*) Any person who carries on any trade or business, or sells or offers for sale any article, in contravention of this sub-section shall be guilty of an offence under this Act.

(*c*) In this sub-section the expression 'on-licence business' means a business carried on under the authority of a retailer's on-licence."

Sale and consumption of intoxicating liquor in hotels and restaurants.

2.—(1) Notwithstanding the provisions of the Act of 1923 or any other enactment it shall be lawful on Sunday or Christmas Day to sell or consume intoxicating liquor in an hotel as defined by sub-section (3) of section one of the said Act, where such liquor is sold to or consumed by a guest or traveller, who has lodged for the preceding night or has in writing engaged a room for the succeeding night in such hotel, at or during the hours specified for the purpose of the sale of intoxicating liquor in article 1 of Part I of the Second Schedule to that Act.

(2) Where any dinner or other entertainment is held in an hotel or restaurant which is licensed for the sale of intoxicating liquor, it shall not be lawful for the pro-

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prietor or manager thereof to allow the consumption of intoxicating liquor, by persons attending such dinner or entertainment, at hours other than those specified for the purpose of the sale of intoxicating liquor by the Act of 1923 or any other enactment:

Provided that such consumption may lawfully be allowed on any day, other than Sunday or Christmas Day or a day on which an order under section ten of the Act of 1923 is in force, where the proprietor or manager of the hotel or restaurant has given previous notice to the district inspector (or in his absence, to the head constable) of the Royal Ulster Constabulary, acting for the district in which the premises are situate, of the intention to hold any dinner or entertainment, and has received a permit from such district inspector or head constable authorising the consumption of intoxicating liquor in a specified room or rooms during the hours mentioned in such permit; but so that such proprietor or manager shall not, in connection with any such dinner or entertainment, sell or expose for sale intoxicating liquor at any hours other than those specified for those purposes by the enactments aforesaid.

Amendment of provisions of s. 9 of the Act of 1923 as to new licences.

3.—(1) In any case where (whether before or after the passing of this Act) compensation has been awarded under the Act of 1923 by reason of the non-renewal in respect of any premises of a licence for the sale of intoxicating liquor, such premises shall not, for the purposes of paragraph (*a*) of section nine of the Act of 1923, be treated as premises coming within the first exception in that paragraph.

(2) No licence shall be granted under paragraph (*a*) (i), (*b*), (*c*) or (*e*) of section nine of the Act of 1923 except a licence which is identical in character with the licence or licences previously in force, extinguished or surrendered (as the case may require) or a licence to which paragraph (iii) of sub-section (6) of this section applies.

(3) It shall not be lawful to grant, in pursuance of the provisions of paragraph (*a*) (i) of section nine of the Act of 1923, a retailer's on-licence which does not contain any condition as to early-closing under section two of the Licensing Act (Ireland), 1874 (in this sub-section referred

37 & 38 Vict., c. 69.

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to as "a full-time licence") for premises having an early-closing licence.

Any full-time licence which has been granted since the passing of the Act of 1923, for premises having at the passing of that Act an early-closing licence, shall be renewable only as an early-closing licence; and any certificate granted at the annual licensing sessions held in the year nineteen hundred and twenty-seven, and authorising the issue of a full-time licence for such premises, shall have effect as a certificate for an early-closing licence.

(4) The following paragraph shall be substituted for paragraph (*b*) of section nine of the Act of 1923:—

"(*b*) Where, by reason of the expiration of a lease, a retailer's on-licence or a retailer's off-licence in respect of premises comprised in the lease is extinguished or surrendered, the licensing authority may, notwithstanding anything in this section, grant a licence for suitable premises in the vicinity of the premises to which the licence so extinguished or surrendered was attached:

Provided that no such licence shall be granted to any person unless he has abandoned any claim which he may have, under section five of the Town Tenants (Ireland) Act, 1906, or any subsequent enactment, to compensation for the loss of goodwill in respect of a tenancy of the premises to which the licence so extinguished or surrendered was attached."

6 Edw. 7, c. 54.

(5) Where the business of a restaurant, being a restaurant which has an on-licence in respect of which reduced duty has been paid under section forty-five of the Finance (1909-10) Act, 1910, is proposed to be transferred to premises other than those in respect of which the licence is in force, then the licensing court may, notwithstanding anything in section nine of the Act of 1923, grant a certificate authorising the issue of an on-licence for suitable premises in the immediate vicinity of the premises from which the business is to be transferred in substitution for the licence attached to the last-mentioned premises:

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Provided that—

(i) no public bar for the sale of intoxicating liquor shall be kept under the authority of such licence; and

(ii) where the premises originally licensed are acquired compulsorily by any Government department or any local or public authority no licence shall be granted under this sub-section to any person unless he has abandoned any claim which he may have to compensation in respect of so much of the value of the premises compulsorily acquired as is attributable to their use as licensed premises.

(6) A licence shall not be granted under paragraph (*c*) of section nine of the Act of 1923 in substitution for any existing licences, except under the following conditions:—

(i) The effect of the substitution must be that the sale of every kind of intoxicating liquor ceases in at least two separate sets of premises or, where an off-licence, attached to the premises in respect of which the new licence is sought, is surrendered, in at least one separate set of premises;

(ii) The new licence must be identical in character with the licences in substitution for which it is sought, except in cases to which the next following paragraph applies;

(iii) Where the application is for a new retailer's on-licence, one of the existing licences, in substitution for which the new licence is sought, may be a retailer's off-licence;

(iv) The required increase of population shall be proved by means of a certificate of the Minister of Home Affairs that he is satisfied that there has been an increase of not less than twenty-five per cent. since the census ascertained next before the passing of the Act of 1923; and such fee shall be payable for the issue of the certificate as the said Minister may, with the approval of the Ministry of Finance, determine.

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(7) Where a new licence is granted under paragraph (*a*), (*b*) or (*e*) of section nine of the Act of 1923 or under sub-section (5) of this section, any convictions recorded against the old licence shall be deemed to apply, and always to have applied, to the new licence. A new licence shall, if granted under the said paragraph (*e*), include both the old and the new premises.

Provisions as to licences for the sale of wine and sweets.

4.—(1) It shall not be lawful for an officer of excise to grant to any person a wine retailer's on-licence or a sweets retailer's on-licence; and the provisions of any enactment relating to the grant, renewal or transfer of any such licence shall cease to have effect.

It shall not be lawful for an officer of excise to grant to any person a sweets retailer's off-licence for any premises, except premises in respect of which a spirits or beer off-licence has been taken out.

(2) Subject to the provisions of sub-section (4) of this section, it shall not be lawful for an officer of excise to grant to any person a wine retailer's off-licence for any premises, except premises in respect of which a wine retailer's off-licence was in force on the eighteenth day of October, nineteen hundred and twenty-seven, for the current licensing year, or may after that day be granted for the current licensing year in renewal of a licence for the previous licensing year; and, from and after the commencement of the annual licensing sessions held next after the passing of this Act, a wine retailer's off-licence shall not be granted, renewed, or transferred except upon production of a certificate of the licensing court in accordance with the provisions of the First Schedule to this Act; and all applications for such certificates shall be made in the manner and subject to the conditions specified in that Schedule.

In this sub-section the expression "current licensing year" means the licensing year ending (as the case may require) on the thirtieth day of June or thirtieth day of September, nineteen hundred and twenty-eight.

(3) A person shall not be entitled, or be deemed to have been entitled at any time since the passing of the Act of 1923, to take out or to hold a wine retailer's off-licence for premises in respect of which compensation has been awarded under section three of that Act, or

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to take out or hold a wine retailer's off-licence for any premises whatsoever if he is a person who has, or whose mortgagees have, received compensation under the said section in connection with the non-renewal of a wine retailer's off-licence:

Provided that this sub-section shall not operate to prevent any such person from obtaining after the passing of this Act a wine retailer's off-licence for premises to which sub-section (2) of this section applies, or to prevent the renewal of a wine retailer's off-licence for such premises.

(4) Where, by reason of the expiration of a lease, a wine retailer's off-licence in respect of premises comprised in the lease is extinguished or surrendered, the licensing court sitting in petty sessions may, notwithstanding anything in this Act, grant a certificate authorising the issue of a wine retailer's off-licence for suitable premises in the vicinity of the premises to which the licence so extinguished or surrendered was attached:

Provided that—

(i) no such certificate shall be granted to any person unless he has abandoned any claim which he may have, under section five of the Town Tenants (Ireland) Act, 1906, or any subsequent enactment, to compensation for the loss of goodwill in respect of a tenancy of the premises to which the licence so extinguished or surrendered was attached;

(ii) this sub-section shall apply only where the premises are valued under the Irish Valuation Acts at not less than—

Thirty pounds in the City of Belfast;

Twenty pounds in the City of Londonderry;

Twelve pounds in any town over ten thousand inhabitants at the census ascertained next preceding the application; and

Ten pounds in all other places.

(5) Nothing in this section shall apply to wine licences to which the provisions of sub-section (2) of section twelve of the Act of 1923 apply.

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Provisions as to wholesale dealers.

5.—(1) A person who is the holder of a licence as a wholesale dealer in spirits shall be entitled to take out, in addition to that licence, a special dealer's licence authorising him to sell at any one time spirits in the quantities prescribed by this sub-section to holders of retailers' on-licences or off-licences for the sale of spirits, but not for any other purpose; and accordingly an officer of excise shall have power to grant such licence, upon payment of such duty as may be granted and charged thereon under any Act of the present or any future Session of Parliament.

The quantities prescribed by this sub-section are quantities of not less than two gallons consisting of spirits of different denominations.

(2) A retailer's licence for the sale of intoxicating liquor shall not be required for the purpose of authorising a person who is a manufacturer of, or dealer in, cider to sell the same in any quantity less than four and a half gallons to the holder of any licence authorising the sale of cider by retail.

Provisions as to particulars required in connection with the issue of licences.

6.—(1) Where the licensing court, sitting in quarter sessions, grants or confirms the certificate necessary for the grant, transfer or renewal of a retailer's on-licence (including a retail licence for a theatre or music hall), or reverses the refusal of a court of petty sessions to grant a certificate for the renewal of such licence, or confirms, varies or discharges any order of such court relating to a licence, the clerk of the crown and peace shall enter in his court record book such particulars of the certificate or order as may be prescribed, and shall in accordance with the prescribed regulations, transmit a copy of the certificate or order to the clerk of petty sessions of the district in which are situate the premises to which the certificate relates.

(2) The said clerk of petty sessions shall enter in the register of licences kept by him under section sixteen of the Licensing Act (Ireland), 1874, in addition to the matters mentioned in that section, such particulars as may be prescribed as to each certificate or order of the court transmitted to him by the clerk of the crown and peace under this section, and as to any licence which may be granted by an officer of excise.

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(3) The particulars to be inserted in any licence which may be granted by an officer of excise shall be taken from the certificate for the grant, transfer or renewal of the licence and not otherwise, and a fee of two shillings and sixpence shall be paid to the officer of excise at the time of the production of that certificate by the person applying for the licence.

(4) A person applying to the licensing court for a certificate for the renewal of a licence shall produce to the clerk of the petty sessions the excise licence which is in force for the licensing year closing at the time of the application.

(5) In this section the expression "prescribed" means prescribed by the Minister of Home Affairs.

Miscellaneous amendments of licensing law.

7.—(1) The notice which is required by section two of the Licensing (Ireland) Act, 1833, to be given to each of the two next resident magistrates shall be given instead to the petty sessions clerk of the district in which are situated the premises in respect of which the licence is sought; and the said section shall have effect accordingly, both in relation to any application for a certificate for a new licence and in relation to any application for a certificate in a case where a licence has been temporarily transferred under section one of the Public House (Ireland) Act, 1855.

3 & 4 Will. 4, c. 68.

18 & 19 Vict., c. 114.

(2) Any person keeping for sale any intoxicating liquor in contravention of the provisions of section three of the Spirits (Ireland) Act, 1854, shall be subject to the same penalty or penalties as are imposed by section three of the Licensing Act, 1872, for offences under that section, and to such other consequences (if any) as would ensue upon conviction for an offence under the last-mentioned section.

17 & 18 Vict., c. 89.
35 & 36 Vict., c. 94.

(3) Notwithstanding anything contained in section sixty of the Licensing Act, 1872, a resident magistrate shall not be disqualified to act for any purpose under any enactment relating to the sale of intoxicating liquor, by reason only of his being interested in a railway company which is a retailer of intoxicating liquor.

(4) The following sub-section shall be substituted for sub-section (3) of section eight of the Act of 1923:—

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"(3) If any licensed person who holds a licence for premises in respect of which there are recorded two convictions (whether any such conviction is recorded against him or against a previous licence holder), for offences committed against the Acts relating to intoxicating liquor (including convictions for offences under this Act), is convicted of any offence which is recorded on his licence, either under the said Acts or under sub-section (2) of this section, then the licence of such licensed person in respect of the premises in connection with which the conviction was obtained shall be annulled, and the premises in respect of which such licence was granted shall be disqualified for the grant or renewal of a licence:

Provided that a recorded conviction (or any conviction recorded prior thereto) shall not be receivable in evidence against any person for the purpose of the annulment of a licence or the disqualification of any premises for the grant or renewal of a licence, if, within a period of not less than five years from any such conviction, no further conviction has been recorded in respect of those premises."

(5) Notwithstanding anything contained in section eleven of the Act of 1923, or any other enactment, the court having power to do any of the following things, that is to say:—

(*a*) to transfer a licence temporarily under section one of the Public House (Ireland) Act, 1855; or

(*b*) to grant a certificate, subject to confirmation at the annual licensing petty sessions, under the proviso to paragraph (2) of section twelve of the Licensing Act (Ireland), 1874; or

(*c*) to grant authority for the temporary carrying on of a business in licensed premises by the owner thereof under and subject to the provisions of section thirteen of the Licensing Act (Ireland), 1874;

may be constituted of one resident magistrate sitting alone.

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(6) Notwithstanding anything contained in section eleven of the Act of 1923, or any other enactment, the court having power to grant a certificate authorising the renewal of a licence or authorising the grant or renewal of a licence for the sale of methylated spirits by retail, may be constituted of one resident magistrate sitting alone, in any case in which no notice of objection has been duly served, and a court so constituted shall have power to adjourn the signing of such certificate to a future date, in any case where objection is made in court.

15&16 Geo. 5. c. 29.

(7) For the purposes of section two of the Intoxicating Liquor (Finance) Act (Northern Ireland), 1925 (which relates to the payment of the compensation charge in two moieties), the expression "corresponding excise licence" includes two or more licences for the sale of intoxicating liquor applied for, or granted, in respect of the same premises and for the same period.

Interpretation of expression "licence." 10 Edw. 7 & 1 Geo. 5, c. 8.

8.—(1) All retailers' licences which are specified in heading C in the First Schedule to the Finance (1909-10) Act, 1910, shall be deemed to be, and always to have been, licences within the meaning of the Act of 1923:

Provided that nothing in this sub-section shall have effect—

(i) so as to apply any provisions of the Act of 1923 or this Act to a licence required for an authorised naval, military, or air force canteen or mess of officers or non-commissioned officers of His Majesty's naval, military or air forces; or

(ii) so as to apply the provisions of section nine of the Act of 1923 to any licence for the sale by retail of wine or sweets; or

(iii) so as to apply to theatres or music halls any provisions contained in section two, three, six or nine of the Act of 1923; or

(iv) so as to affect the provisions of section twelve of the Act of 1923.

(2) A reference in this Act (including any enactment set out in this Act in an amended form) to any particular description of licence for the sale of intoxicating liquor shall be construed as a reference to that description of licence as specified in the First Schedule to the Finance (1909-10) Act, 1910.

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Amendment of provisions of the Act of 1923 as to methylated spirits and methylated ether.

9.—(1) Section four of the Act of 1923 shall have effect with the following amendments:—

(*a*) In sub-section (1) the following words shall be substituted for the words from "and on every sale" to "person making the sale," that is to say:—"and on every sale by retail of methylated spirits there shall be affixed to every bottle or vessel containing such spirits a label bearing the name and address of the seller and the name and address of the person making the sale;"

(*b*) Every retailer of methylated spirits or methylated ether shall keep such records, accounts and particulars regarding such spirits or ether as may be prescribed in regulations made by the Ministry of Home Affairs; and a retailer failing to comply with the regulations or to produce such records, accounts and particulars for inspection to any person authorised by the Ministry of Home Affairs, or when required under sub-section (3) of section four of the Act of 1923, or falsifying such records, accounts or particulars, shall be liable upon conviction to the like penalty as is provided for a breach of the provisions of sub-section (1) of the said section four.

Records kept in pursuance of this sub-section in relation to sales of methylated ether shall be deemed to be a compliance with the provisions of section two of the Poisons (Ireland) Act, 1870 (as amended by subsequent enactments) so far as they require certain particulars of such sales to be entered in a book kept for that purpose.

33 & 34 Vict., c. 26.

(2) It shall not be lawful for any person to supply, sell or offer for sale methylated ether, except in the following cases:—

(*a*) Where the ether is supplied, sold or offered to a person registered under the Medical Acts or the Dentists' Acts, 1878 to 1927, for the purposes of his profession; or

(*b*) Where the ether is supplied, or sold, on the order of a person registered as aforesaid, for use in a hospital, infirmary, dispensary, or other similar institution; or

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(*c*) Where the ether is supplied, sold, or offered to a wholesale dealer for the purpose of export from Northern Ireland; or

(*d*) Where the ether is supplied, sold, or offered for sale, by wholesale, to a retail dealer in the ordinary course of wholesale dealing;

(*e*) Where the transaction is for such purpose, or takes place under such conditions, as may be authorised by regulations of the Ministry of Home Affairs;

but nothing in this provision shall be in derogation of section two of the Poisons (Ireland) Act, 1870 (as amended by subsequent enactments) so far as it applies to any sale of methylated ether.

Any person who acts in contravention of the provisions of this sub-section, or who has methylated ether in his possession otherwise than for a purpose for which such ether may be lawfully purchased, sold or supplied under this sub-section, shall be guilty of an offence under the Act of 1923.

(3) If a justice of the peace is satisfied, by information on oath, that there is reasonable ground for suspecting that any methylated spirits are exposed or kept for sale at any place within his jurisdiction (whether a building or not) in contravention of the provisions of the Act of 1923 or this Act, that justice may, in his discretion, grant a search warrant authorising any constable named in the warrant at any time or times within one month from the date of the warrant to enter (if need be by force) the place named in the warrant and every part thereof, and to examine the same and search for methylated spirits therein and seize and remove any methylated spirits found therein which there is reasonable ground to suspect are in such place for the purpose of sale at that or any other place in contravention of the said provisions, and the vessels containing such spirits. In the event of the owner or occupier of such premises being convicted of exposing or keeping for sale any methylated spirits in contravention of the said provisions, the spirits so seized, and the vessels containing the same, shall be forfeited.

The provisions of this sub-section shall apply to methylated ether in like manner as they apply to methylated spirits.

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(4) Every wholesale dealer in methylated ether shall keep, in such form as may be prescribed by the Ministry of Home Affairs, particulars of all his sales of such ether, and a wholesale dealer failing to keep such particulars, or to produce them to any person authorised by the said Ministry when required, shall be liable upon summary conviction to a penalty of twenty pounds.

(5) The provisions of sub-section (1) of section four of the Act of 1923 shall cease to apply to sales of methylated ether.

(6) In this section the expression "methylated ether" includes any ether manufactured from methylated spirits or from industrial spirit and preparations containing methylated ether.

Restrictions on sale of certain kinds of alcohol.

10.—(1) It shall not be lawful for any person in any premises licensed for the sale of intoxicating liquor by retail to sell, expose for sale, keep for sale, or have or supply any liquor which consists of or is mixed with any alcohol of a kind other than ethyl alcohol:

Provided that this sub-section shall not apply to a person holding any such licence as is mentioned in section twelve of the Act of 1923.

(2) The Ministry of Home Affairs shall have power to make regulations prescribing the conditions under which the sale, keeping, supply and consumption of alcohol, other than ethyl alcohol, may be permitted, in cases other than those to which sub-section (1) of this section applies; and, as from the making of such regulations, it shall not be lawful to sell, keep, supply or consume alcohol, other than ethyl alcohol, except as permitted thereby.

(3) Any person who acts in contravention of the provisions of this section, or of regulations made thereunder, shall be guilty of an offence under the Act of 1923, and the provisions of section eight of that Act with respect to forfeiture of licences and recording of convictions shall apply where any person licensed for the sale of intoxicating liquor by retail is convicted of any such offence, as if such offence was an offence specified in sub-section (1) of the said section eight.

(4) For the purpose of enforcing the provisions of sub-section (1) of this section, the following provisions shall have effect:—

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(*a*) A district inspector of the Royal Ulster Constabulary, alone or accompanied by one or more constables, shall have power to examine and to search for liquor upon any premises licensed for the sale of intoxicating liquor by retail, which such district inspector is entitled to enter under any enactments of the Licensing (Ireland) Acts, 1833 to 1900;

(*b*) Such inspector shall be entitled to obtain for analysis samples of any liquor found upon such premises, on tendering the price for the quantity which he may require for that purpose, not being more than may be reasonably requisite;

(*c*) Where the sale of such liquor to him is refused, or the price demanded is unreasonable, such district inspector shall have power to seize and remove any liquor found by him upon the premises, if he has reasonable ground for suspecting that it is upon the premises for any purpose in contravention of sub-section (1) of this section.

Amendments of law as to registration of clubs. 4 Edw. 7, c. 9.

11.—(1) The Registration of Clubs (Ireland) Act, 1904 (in this section referred to as "the Act of 1904") shall have effect with the following amendments:—

(*a*) The court shall not grant an application for an original certificate of registration of a club, or for the renewal thereof, unless satisfied by the club as to the following matters:—

(i) that the premises of the club are suitable;

(ii) that the club is, and is intended to be, conducted in good faith as a club and not mainly for the supply of exciseable liquor;

(iii) that the provisions of the rules of the club are, and are intended to be, complied with;

(iv) that the hours during which intoxicating liquor may be supplied on the premises in accordance with the rules of the club are suitable and proper, having regard to the objects of the club.

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(v) where the application is for the renewal of a certificate of registration, that the club has, for the year immediately passed, been conducted in accordance with its rules;

(vi) where the application is for an original certificate, that there is not sufficient club accommodation of a similar character already in existence in the neighbourhood in which the club premises are situate;

(*b*) The registrar, when giving notice of the application to the district inspector of the Royal Ulster Constabulary, shall send to that inspector a copy of the application and rules of the club which have been lodged with him under section two of the Act of 1904; and upon the hearing of the application by the court any district inspector shall be entitled to be heard in relation to the matters specified in paragraph (*a*) of this sub-section; and the court may, without prejudice to any other powers of adjournment, adjourn the hearing of the application to a future day, in order to enable either the applicant or the district inspector to produce evidence or further evidence to the court or to enable the provisions of paragraph (*g*) of this sub-section to be complied with;

(*c*) a copy of any application made on behalf of a club under sub-section (1) or sub-section (2) of section two of the Act of 1904, together with all other documents referred to in the said sub-section (1), shall be lodged with the Ministry of Home Affairs at the time when the application is lodged with the Registrar.

(*d*) The certificate under section two of the Act of 1904 shall not be required, except where the premises are not owned by the club making application for registration, and no such certificate shall be signed by any person other than the owner or his legal representative;

(*e*) In sub-section (2) of section three of the Act of 1904 the words "twenty-one days" shall be substituted for the words "ten days," and

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the following article shall be substituted for article 2. of Part II. of the Second Schedule to the Act of 1923 :—

"(2) The notice of application for a certificate of registration shall be published on some day not more than six weeks nor less than four weeks before the first day of January in any year, or, in the case of an application made owing to the transfer of a registered club from the premises specified in its certificate to other premises, before the first day of the month preceding the month in which the transfer is to take place; and the notice of application (whether for an original certificate or a renewal thereof) shall, in addition to any other publication, be published once in the Belfast Gazette."

(*f*) Notwithstanding the provisions of article 1. of Part II. of the Second Schedule to the Act of 1923, an application for a certificate of registration for a club may, in the case where a registered club is being transferred from the premises specified in its certificate to other premises, be made in any month of the year, and shall, in such case, be made and dealt with in every respect as if it were an application for an original certificate of registration; but if the application is granted, the certificate issued thereupon shall, for the purposes of the provisions of the Act of 1904 relating to the duration and renewal of certificates, be deemed to have been issued in the month of January in the year in which such application was made;

(*g*) the rules of every registered club shall specify the hours during which intoxicating liquor may be supplied on the premises of the club;

(*h*) The provisions of the Summary Jurisdiction (Ireland) Acts for enforcing the attendance of witnesses and the production of accounts, papers and other documents shall apply in the case of an application for, and objections to,

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the grant of an original certificate under the Act of 1904 or the renewal of such certificate, and to the cancelling of a certificate under the said Act.

(2) Exciseable liquor shall not be sold or supplied in a registered club for consumption outside the premises of the club, except with the permission of the district inspector of the Royal Ulster Constabulary, acting for the district in which those premises are situated, and paragraph (*h*) of section four of the Act of 1904 shall have effect accordingly.

(3) A district inspector of the Royal Ulster Constabulary, alone or accompanied by one or more constables, shall without a warrant have, in relation to any registered club, all the powers of a constable authorised by a warrant granted under section six of the Act of 1904; and the provisions of sub-section (3) of the said section shall apply to persons found in the premises of a registered club upon an entry made by virtue of this sub-section.

(4) The Minister of Home Affairs shall lay before both Houses of Parliament annually a return showing, in relation to every registered club, its name and object and the address of the club premises, the number of members of the club, and the hours during which the sale of intoxicating liquor is authorised by the club rules, and containing a statement of the total sum expended by the club in the purchase of intoxicating liquor during the calendar year preceding the return.

Licensing of theatres and music halls.

12.—(1) As from the commencement of this section, a building, hall, room or other premises shall not be used primarily and ordinarily as a theatre or music hall without a licence for such purpose first obtained from the licensing court under the provisions of the Second Schedule to this Act; and for the registration of such licence a fee of five shillings shall be paid by the person applying therefor.

Such fee shall be paid to the clerk of petty sessions of the petty sessions district in which the premises are situated and shall be deemed to be a fee to which the provisions of section nineteen of the Licensing Act (Ireland), 1874, apply:

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Provided that, where the application is for a new licence, the fee shall be paid in the first instance to the clerk of the crown and peace and by him transmitted to the clerk of petty sessions.

(2) Any building, hall, room or other premises used as a theatre or music hall, in contravention of sub-section (1) of this section, shall be deemed a disorderly house, and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which such premises are so used as a theatre or music hall.

(3) A theatre or music hall shall not be deemed to be a place of public entertainment within the meaning of section fifty-one of the Public Health Acts Amendment Act, 1890. 53 & 54 Vict., c. 59.

(4) It shall not be lawful for any officer of excise to grant, under the authority of section seven of the Excise Act, 1835, a licence for the sale of intoxicating liquor (in this section referred to as a "retail licence") to the proprietor of any place of public entertainment, except a theatre or music hall for which a licence has been obtained and is in force under the provisions of the Second Schedule to this Act; and no retail licence shall be granted, transferred or renewed except upon production of a certificate given by the licensing court, in like manner and subject to the like provisions as are applicable to the grant of a licence under sub-section (1) of this section, and being to the following effect, that is to say:— 5 & 6 Will. 4, c. 39.

(*a*) Where the application is for a new retail licence, to the good character of the applicant and the suitability, for the purposes of the retail licence, of the part of the theatre or music hall in which intoxicating liquor is to be sold or consumed;

(*b*) Where the application is for the transfer of an existing retail licence, or the renewal of a retail licence for premises licensed for the year immediately preceding and in force at the time of the application, to the good character of the applicant and to the peaceable and orderly manner in which the part of the theatre or music hall to which the retail licence relates has been conducted in the previous year.

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The revocation of a licence granted for any premises under sub-section (1) of this section shall operate as a revocation of any retail licence for the time being in force for those premises.

(5) The district inspector (or in his absence the head constable) of the Royal Ulster Constabulary, acting for the district in which the premises are situated, and the sanitary authority, shall have power to object before the licensing court to the issue of a certificate under the last preceding sub-section, or to the grant, renewal or transfer of a licence under the provisions of sub-section (1) of this section.

(6) The foregoing provisions of this section shall come into operation as from the commencement of the annual licensing sessions held next after the passing of this Act.

(7) Section thirty-six of the Public Health Acts Amendment Act, 1890 (which contains provisions with respect to means of ingress to and egress from places of public resort) shall, so far as it relates to theatres and music halls, be in force—

(*a*) in every urban district as if it had been adopted by the urban sanitary authority; and

(*b*) in every rural district as if it had been declared to be in force therein and the rural sanitary authority had been invested with the powers and duties of an urban authority for the purposes of the said section.

Short title, construction and repeal.

13.—(1) This Act may be cited as the Intoxicating Liquor and Licensing Act (Northern Ireland), 1927, and shall be construed as one with the Act of 1923.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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FIRST SCHEDULE.

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Section 4 (2).

PROVISIONS AS TO CERTIFICATES FOR WINE RETAILERS' OFF-LICENCES.

1.—The certificate to be produced shall be a certificate—

(*a*) where the application is for a new licence, to the good character of the applicant and the suitability of the premises for the purposes for which the licence is sought; and

(*b*) where the application is for the transfer of an existing licence or the renewal of a licence for premises licensed for the year immediately preceding, and in force at the time of the application, to the good character of the applicant, and to the peaceable and orderly manner in which the licensed business has been conducted in the previous year.

2.—The certificate shall be a certificate granted by the licensing court for the district in which the applicant resides at the annual licensing petty sessions for that district:

Provided that, in any case where the certificate is sought in connection with the transfer of a licence, it may be granted at some petty sessions other than the annual licensing petty sessions, and may be so granted by a court constituted of one resident magistrate acting alone; but any licence issued in pursuance of a certificate granted under this proviso shall continue in force only until the annual licensing petty sessions held next after the grant of such certificate, and, if such certificate is not then confirmed, the licence so issued shall not be renewed.

3.—The applicant for a certificate shall give twenty-one days' notice in writing to the district inspector (or in his absence to the head constable) of the Royal Ulster Constabulary, acting for the district in which the applicant resides, stating his intention to make the application, and setting forth his place of residence, the situation of the premises where it is proposed to carry on the licensed business, and, if the applicant has at any time previously held a licence of any kind whatsoever for the sale of intoxicating liquor, the notice shall specify the premises in respect of which such last-mentioned licence was granted, and the date on which the licensed business carried on therein was discontinued.

4.—(1) The district inspector (or in his absence the head constable) of the Royal Ulster Constabulary shall have power to object before the licensing court to the issue of the certificate, and such objection may be in respect of any of the matters specified in article I. of this Schedule.

(2) Where a certificate for a new licence is applied for, objection may be made before the licensing court either in respect of any matter specified in article I. (*a*) of this Schedule, or upon the ground of the number of premises previously licensed, in the ward or district electoral division where the premises are situate, for the same kind of licensed business; and it shall be within the discretion of the licensing court either to grant or to refuse the certificate, and, for the

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purpose of deciding any such application, that court shall be at liberty to hear, receive and act upon any evidence made or tendered by any resident or owner of property in the ward or district electoral division where the premises are situate, respecting any such matter or ground of objection.

5.—Any party to the proceedings before the licensing court under the last preceding article of this Schedule may, if dissatisfied with the decision of that court, appeal therefrom to a licensing court sitting in quarter sessions.

The provisions of section fifty-two of the Licensing Act, 1872, shall apply to appeals under this section; provided that where the appellant is a police officer or constable the provisions of paragraph (3) of the said section (which relates to recognizances) shall not apply.

23 & 24 Vict., c. 107.

6.—Nothing in this Schedule shall be construed as affecting the provisions of section twelve of the Refreshment Houses (Ireland) Act, 1860 (which enable officers of excise to authorise the persons mentioned therein to continue, for a limited period from the death of a person licensed under that Act, the business of such person).

7.—In this Schedule the expression "licensing court" means the licensing court as constituted under section eleven of the Act of 1923, as amended by this Act.

Section 12.

SECOND SCHEDULE.

PROVISIONS AS TO LICENCES FOR THEATRES AND MUSIC HALLS.

1. The licensing court may grant licences to such persons as the court thinks fit to use any building, hall, room or other premises as a theatre or music hall upon such terms and conditions, and subject to such restrictions, as the court by the respective licences determines; and every licence shall be in force for one year or for such shorter period as the court, on the grant of the licence, shall determine, unless the same has been previously revoked under the provisions of this Schedule.

2. The licensing court may from time to time transfer any such licence to such person as the court thinks fit.

3. Each person shall in each case give fourteen days' notice in writing to the clerk of the licensing court, to the sanitary authority and to the district inspector (or in his absence to the head constable) of the Royal Ulster Constabulary, acting for the district in which the premises are situated, of his intention to apply for any such licence or for the transfer of any such licence.

4. There shall be affixed and kept up in some conspicuous place on the door or entrance of every building, hall, room or other premises so used and so licensed as aforesaid an inscription in large capital letters to the effect that the premises are licensed in pursuance of this Act as a theatre or music hall, as the case may require.

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5. Any premises used as a theatre or music hall, although so licensed as aforesaid, shall not be opened for such purpose except on the days and between the hours stated in the licence.

6. The affixing and keeping up of such inscription as aforesaid, and the observance of the days and hours of opening and closing, shall be inserted in and made a condition of every such licence.

7. In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted, the holder thereof shall be liable on summary conviction to a penalty not exceeding twenty pounds, and to a penalty not exceeding five pounds for each day on which such breach or disregard is continued after conviction therefor, and such licence shall be liable to be revoked by the order of a court of summary jurisdiction.

8. No notice need be given under article 3. of this Schedule when the application is for a renewal of any existing licence held by the applicant for the same premises.

9. In this Schedule the expression "licensing court" means, in relation to any application for a new licence, a court of quarter sessions constituted of the county court judge or recorder sitting alone, and, in relation to any application for the transfer or renewal of a licence, a court of summary jurisdiction constituted of two or more resident magistrates.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter	Short Title.	Extent of Repeal.
3 & 4 Will. 4, c. 68.	The Licensing (Ireland) Act, 1833.	Sections ten and eleven.
23 & 24 Vict., c. 107.	The Refreshment Houses (Ireland) Act, 1860.	Section eight; sections thirteen to seventeen, inclusive.
37 & 38 Vict., c. 69.	The Licensing Act (Ireland), 1874.	Section fifteen; in section sixteen, the words "in manner aforesaid."
61 & 62 Vict., c. 46.	The Revenue Act, 1898.	Section sixteen.

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Section 13 —*contd.*

THIRD SCHEDULE—(continued).

ENACTMENTS REPEALED—(continued).

Session and Chapter.	Short Title.	Extent of Repeal.
4 Edw. 7, c. 9.	The Registration of Clubs (Ireland) Act, 1904.	In sub-section (1) of section two, the words from "be signed" where those words first occur to "and shall also;" so much of the First Schedule as refers to justices of the peace.
13 & 14 Geo. 5, c. 12.	The Intoxicating Liquor Act (Northern Ireland), 1923.	The proviso to sub-section (1) of section one; in sub-section (1) of section four the words from "and on every sale" to "person making the sale," and the last paragraph; sub-section (1) of section 6; sub-section (3) of section eight; paragraph (*b*) of section nine; article 2 of Part II. of the Second Schedule.

CHAPTER 22.

An Act to provide for the administration by the Ministry of Labour of the public service in connection with non-contributory old age pensions, and to amend the law with respect to the determination of claims for, and questions relating, to, such pensions. [21st December, 1927.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

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Transfer of non-contributory old age pensions service to Ministry of Labour.

1. Subject to the provisions of this Act, the Ministry of Labour shall be the department of the Government of Northern Ireland for the administration in Northern Ireland of the public service in connection with non-contributory old age pensions, and all claims for non-contributory old age pensions, and all questions whether the statutory conditions are fulfilled in the case of any person claiming a non-contributory old age pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of a non-contributory old age pension, or whether a person is disqualified for receiving or continuing to receive a non-contributory old age pension, shall be considered and determined by officers of the Ministry of Labour appointed for the purpose by the Minister of Labour and acting for such areas as the said Minister directs (in this Act referred to as "pension officers").

Functions of pension officers, local pension courts and umpire.

2.—(1) Every pension officer shall take into consideration any claim or question submitted for his determination under the provisions of this Act, and shall give a decision thereon within the prescribed time after the date on which the claim or question was so submitted.

(2) In any case where a claim for pension is refused, or the rate of a pension is reduced, or the payment of a pension is discontinued, the person claiming the pension or in respect of whose pension the decision is given, as the case may be, may, within such time and in such manner as may be prescribed, require the pension officer to refer the matter to a local pension court constituted as hereinafter provided, and the local pension court, after considering the circumstances, shall make to the pension officer such recommendations on the case as they may think proper, and the pension officer shall, unless he disagrees, give a decision in accordance with those recommendations.

(3) If the pension officer disagrees with any recommendation made by a local pension court as aforesaid, he shall refer the matter, in the prescribed manner, to the umpire appointed as hereinafter provided.

(4) The pension officer, in any case in which he considers it expedient to do so, may, instead of himself determining the claim or question, refer it to a local

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pension court, and if the pension officer so refers any matter the provisions of sub-sections (2) and (3) of this section shall apply as if he had referred the matter to a local pension court under the said sub-section (2).

(5) Where a recommendation has been made as aforesaid in the case of any person by a local pension court, that person may, with the leave of the court, require the pension officer to refer the matter to the umpire, and the pension officer, if so required, shall refer the matter to the umpire accordingly:

Provided that the local pension court shall give leave under this sub-section in any case in which it appears to the court reasonable so to do, having regard to the importance of the principle involved in the case or any other special circumstances.

(6) Where, in pursuance of this Act, any recommendation made by a local pension court is referred by the pension officer to the umpire, the decision of the umpire in the matter shall be final and conclusive and not subject to appeal to any court.

(7) Nothing in this Act, or in the Old Age Pensions Acts (Northern Ireland), 1908 to 1925, shall be construed as preventing a pension officer or umpire or a local pension court, on new facts being brought to his or their knowledge, from revising a decision or recommendation given in any particular case, but, where any such revision is made, the revised decision or recommendation shall have effect as if it had been an original decision or recommendation, and the foregoing provisions of this section, and the provisions of the said Acts, shall apply accordingly:

Provided that where by a later decision a former decision is reversed, and a person has received any sums on account of a pension in accordance with the former decision, that person shall, notwithstanding anything in sub-section (2) of section nine of the Old Age Pensions Act, 1908, in the absence of any fraud on his part, be entitled to retain any sum so received up to the date of the later decision which he would have been entitled to retain, but for the reversal of the former decision.

8 Edw. 7, c. 40.

(8) Regulations to be made under section ten of the Old Age Pensions Act, 1908, shall provide that where a claim or question is referred to a local pension court or to the umpire, notice shall be given to the claimant or

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pensioner of the grounds for the reference, and the claimant or pensioner shall be afforded an opportunity of submitting his evidence to the local pension court or to the umpire as the case may be.

Appointment of umpire.

3. For the purposes of this Act an umpire and one or more deputy umpires may be appointed by the Governor of Northern Ireland, and any references in this Act to the umpire shall include a reference to a deputy umpire.

Constitution of local pension courts.

4.—(1) A local pension court for the purposes of this Act shall consist of two or more members chosen from a panel to be established by the Minister of Labour, and a chairman appointed by the Minister of Labour.

(2) Regulations to be made under section ten of the Old Age Pensions Act, 1908, may provide that any claim or question which is referred to a local pension court may, with the consent of the claimant but not otherwise, be proceeded with in the absence of any member or members of the court other than the chairman, and in any such case the court shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the chairman shall, if the number of the members of the court is an even number, have a second or casting vote.

(3) Panels of persons chosen to act on local pension courts shall be constituted by the Minister of Labour for such districts as the Minister of Labour may think fit, and the members of a local pension court shall be selected from those panels in such manner as may be prescribed :

Provided that the regulations to be made for the purposes of this sub-section shall make provision that not less than one-half of the members of each local pension court (not including the chairman) shall be persons who, in the opinion of the Minister of Labour, are representative of the classes of persons for whose benefit non-contributory old age pensions are intended.

(4) Subject as aforesaid, the constitution of local pension courts shall be such as may be prescribed.

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Administrative expenses.

5. Any expenses incurred in the administration of this Act, to such extent as may be sanctioned by the Ministry of Finance, shall be paid out of moneys provided by Parliament.

Adaptation of enactments and interpretation.

6.—(1) The Old Age Pensions Acts (Northern Ireland), 1908 to 1925, shall have effect subject to the adaptations and modifications set out in the First Schedule to this Act.

(2) References in this Act to any enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) In this Act—

The expression "non-contributory old age pensions" means old age pensions under the Old Age Pensions Acts (Northern Ireland), 1908 to 1925, other than pensions under those Acts which are payable by virtue of the Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925 :

15&16 Geo.5, c. 23.

The expression "prescribed" means prescribed by regulations made under section ten of the Old Age Pensions Act, 1908, as adapted and modified by the First Schedule to this Act.

Transitory provisions.

7.—(1) On, from and after the commencement of this Act the local pension committees appointed under section eight of the Old Age Pensions Act, 1908, shall cease to exist, and thereupon such records, documents and other property as may belong to, or be in the custody of, any such committee or officer of such committee, for the purposes of the Old Age Pensions Acts (Northern Ireland), 1908 to 1925, shall be given up to the Ministry of Labour or disposed of in such manner as that Ministry may direct.

(2) The Ministry of Labour with the consent of the Ministry of Finance may, by order, do anything which appears to be necessary for giving full effect to this Act, and, in particular, may, by any such order—

(*a*) remove any difficulty which may arise in bringing this Act into operation;

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(*b*) provide for the transition from the provisions of the Old Age Pensions Acts (Northern Ireland), 1908 to 1925, to the provisions of those Acts as amended by this Act, and for the determination, after the commencement of this Act, of any claims or questions pending at such commencement; and

(*c*) make, in any enactments of the Old Age Pensions Acts (Northern Ireland), 1908 to 1925, adaptations and modifications in addition to those contained in the First Schedule to this Act:

Provided that the powers conferred by this sub-section shall not be exercised after the thirty-first day of December, nineteen hundred and twenty-eight.

Short title citation, commencement and repeal.

8.—(1) This Act may be cited as the Old Age Pensions (Administration) Act (Northern Ireland), 1927, and the Old Age Pensions Acts (Northern Ireland), 1908 to 1925, and this Act may be cited together as the Old Age Pensions Acts (Northern Ireland), 1908 to 1927.

(2) This Act shall come into operation on the second day of April, nineteen hundred and twenty-eight.

(3) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

FIRST SCHEDULE.

ADAPTATIONS AND MODIFICATIONS.

Sections 6 & 7.

1. The adaptations and modifications made by this Schedule shall apply to any order, regulation or instrument made or issued under any of the enactments thereby adapted or modified and in force immediately before the commencement of this Act, in like manner as they apply to the enactment under which it was made or issued; and any such order, regulation or instrument shall continue in force in like manner, and subject to the like powers of revocation and alteration, as if it had been made or issued under such enactment as so adapted or modified.

2. The Old Age Pensions Act, 1908, shall have effect subject to the following adaptations and modifications:—

(*a*) The following sub-section shall be substituted for sub-section (1) of section five:—

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"(1) An old age pension under this Act, subject to any directions of the Ministry of Labour in special cases shall be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the said Ministry, with the approval of the Ministry of Finance, direct";

(*b*) Sub-section (1) of section seven shall cease to have effect, and the following sub-section shall be substituted for sub-section (2) of that section:—

"(2) The decision of the pension officer on any claim or question which is not referred to the local pension court, or on any recommendation of that court which is not referred to the umpire, shall be final and conclusive";

(*c*) Sub-sections (1), (2), (3) and (4) of section eight shall cease to have effect, and the following sub-section shall be substituted for sub-section (5) thereof:—

"(5) Any reference in this Act, or any enactment amending the same, to pension authorities shall be construed as a reference to the pension officer, the local pension court and the umpire, or to any one of them, as the case may require";

(*d*) In sub-section (2) of section nine the Ministry of Labour shall be substituted for the Ministry of Finance.

(*e*) (i) The regulations authorised to be made by section ten shall be made by the Ministry of Labour, in conjunction with the Ministry of Finance so far as relates to matters with respect to which the Ministry of Finance so direct, and in conjunction with the Ministry of Home Affairs so far as they affect local authorities or officers of local authorities;

(ii) References in section ten to local pension committees or the central pension authority shall be construed as references to the pension officer, local pension courts or the umpire, as the case may require;

Provided that the reference in paragraph (*c*) of sub-section (1) of the said section to the use by the local pension committee of any offices of a local authority shall be construed as a reference to the use of such offices by local pension courts or the umpire, and the reference to local pension committees in sub-section (2) of the said section shall cease to have effect;

(iii) Sub-section (4) of section ten shall cease to have effect.

1 & 2 Geo. 5, c. 16

3. The Old Age Pensions Act, 1911, shall have effect subject to the following adaptations and modifications:—

(*a*) In sub-section (1) of section six the reference to an application to alter or revoke a provisional allowance of a claim shall be construed as a reference to a proposal made by a pension officer, after such notice as may be prescribed, to alter or revoke such allowance;

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(*b*) The following sub-section shall be substituted for sub-section (2) of section six :—

"(2) The Old Age Pensions (Administration) Act (Northern Ireland), 1927, shall apply to any such question or proposal as it applies to the questions mentioned in the said Act";

(*c*) References in section six to decisions or determinations of local pension committees or the central pension authority shall be construed as references to decisions, recommendations or determinations of pension officers, local pension courts or the umpire, as the case may require ;

(*d*) Sub-section (6) of section six shall cease to have effect.

(*e*) The following sub-section shall be substituted for sub-section (2) of section seven :—

"(2) For the purposes of sub-section (2) of section nine of the principal Act and this section, any decision of a pension officer on any question which is not referred to the local pension court, or on any recommendation of that court which is not referred to the umpire, and any decision of the umpire on any question which is referred to him, shall be conclusive proof of any matters so decided.

A copy of any such decision, if authenticated in the prescribed manner, shall be received in evidence";

(*f*) In sub-section (3) of section seven the Ministry of Labour shall be substituted for the Ministry of Finance, and references to the local pension committee or central pension authority shall be construed as references to the pension officer, local pension court or umpire, as the case may require.

4. The Old Age Pensions Act, 1919, shall have effect subject to the following adaptations and modifications :— 9 & 10 Geo. 5, c. 102.

(*a*) In section six the Ministry of Labour shall be substituted for the pension officer and for the Ministry of Finance ;

(*b*) In section seven for the words "enabling a local pension committee to appoint a person" there shall be substituted the words "enabling a person to be appointed" and for the words "and to authorise any person so appointed" there shall be substituted the words "and to have authority."

5. In section two of the Old Age Pensions Act (Northern Ireland), 1925, the Minister of Labour shall be substituted for the Minister of Finance and the Ministry of Labour for the Ministry of Finance. 15 & 16 Geo. 5, c. 20.

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Section 8.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7, c. 40.	The Old Age Pensions Act, 1908.	Sub-section (1) of section seven; sub-sections (1), (2), (3) and (4) of section eight; in sub-section (2) of section ten, the words "or local pension committees"; sub-section (4) of section ten.
1 & 2 Geo. 5, c. 16.	The Old Age Pensions Act, 1911.	Sub-section (6) of section six.
15 & 16 Geo. 5, c. 23.	The Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925.	Section forty-five.

CHAPTER 23.

An Act to confirm and give effect to an agreement made between the Ministry of Commerce and the Lisburn Electric Supply Company, Limited, with respect to the transmission line to be constructed by the said Company for carrying electrical energy from Belfast to Lisburn.

[21st December, 1927.]

WHEREAS by an agreement, dated the twelfth day of October, nineteen hundred and twenty-seven, made between the Ministry of Commerce of the one part and the Lisburn Electric Supply Company, Limited, being the undertakers for the purposes of the Lisburn Electricity Special Order, 1927 (in this Act referred to as

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"the Company") of the other part, which agreement is set forth in the Schedule to this Act and is in this Act referred to as "the scheduled agreement," it was agreed, upon the conditions therein mentioned, that the Ministry of Commerce should advance a sum of one thousand four hundred and fifty pounds to the Company, and that in consideration of the said advance the transmission line of the Company from Belfast to Lisburn should be constructed and maintained by the Company as set forth in the scheduled agreement, and that the Ministry of Commerce should, with respect to the said transmission line, have the rights set forth in the scheduled agreement:

And whereas the provisions of the scheduled agreement cannot take effect without the authority of Parliament:

Be it, therefore, enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of agreement.

1. The scheduled agreement is hereby confirmed and shall have effect as if enacted in this Act.

For the purposes of paragraph 11. of the scheduled agreement, the passing of this Act shall be deemed to be the approval of each House of the Parliament of Northern Ireland.

Charge of advance upon Consolidated Fund and repayments to Exchequer.

2.—(1) The sum of one thousand four hundred and fifty pounds to be advanced by the Ministry of Commerce under the scheduled agreement shall be charged on and issued out of the Consolidated Fund of Northern Ireland, or the growing produce thereof.

(2) All sums to be paid to the Ministry of Commerce under the scheduled agreement by way of repayment of the principal of, and interest on, the sum advanced as aforesaid shall be paid into the Exchequer of Northern Ireland.

Short title

3. This Act may be cited as the Lisburn Electric Supply Company (Agreement) Act, 1927.

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SCHEDULE.

AN AGREEMENT made the Twelfth day of October One Thousand Nine Hundred and Twenty-Seven between the Ministry of Commerce for Northern Ireland (hereinafter called "the Ministry") of the one part and the Lisburn Electric Supply Company Limited having their registered office at Coates' Buildings in the County of the City of Belfast (hereinafter called "the Company") of the other part whereby it is agreed as follows:—

1. In consideration of the sum of One Thousand Four Hundred and Fifty Pounds advanced by the Ministry the Company undertakes to erect, use and maintain in the construction of its transmission line from Belfast to Lisburn (hereinafter referred to as "the transmission line") Messrs. Henley's Patent Anchor "A" type wooden poles, forty feet long over all with long cross arms and suspension type insulators suitable for conductors carrying electrical energy at a pressure of 33,000 volts and to lay and maintain cables similarly suitable for operating at 33,000 volts underground in the roads crossed by the transmission line as set out in the Special Order granted to the Company by the Electricity Commissioners.

2. The £1,450 provided by the Ministry of Commerce, as aforesaid, shall be secured by a Debenture issued by the Company to the Ministry.

3. No interest shall be payable on the Debenture until such time as the maximum load delivered to the Company at the Belfast Terminus of the transmission line shall exceed 1,000 kilowatts (computed as hereinafter provided) during a period or periods totalling one hour in any one day of twenty-four hours or in the alternative until power is transmitted by the Company at a pressure nominally in excess of 6,600 volts.

4. If and when the Company transmits electrical energy over the transmission line or any part thereof in excess of 1,000 K.W. or at a pressure exceeding 6,600 volts, as aforesaid, interest shall thereafter be paid upon the Debenture at the rate of 5½ per cent. per annum, and in addition the capital amount of the advance made by the Ministry on the security of the Debenture shall be paid off (*a*) in full, or (*b*) by instalments in such sums as may be agreed upon between the Ministry and the Company.

5. The Ministry shall have the right for itself or its nominee or nominees at any time to set up transforming stations and to transmit electrical energy over the transmission line and to make such arrangements with respect to the purchase and sale of such energy as may be in excess of the Company's requirements for the time being as the Ministry may decide: Provided however that the Company shall have the first claim upon the carrying capacity of the transmission line up to 1,000 kilowatts at 6,600 volts as aforesaid.

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6. The Ministry or its nominee shall have the right on giving six months notice in writing of their intention to do so to acquire by purchase the property in such part of the transmission line as is outside the Lisburn Urban District and all such lands, rights and easements, buildings, works, material and plant belonging to the Company suitable to and used by them for the purposes of such part of the transmission line as aforesaid, upon the terms of paying the then value of such part of the transmission line and all such lands, rights and easements, buildings, works, material and plant as aforesaid, such value to be in case of difference determined by arbitration: Provided that the value of such part of the transmission line and such lands, rights and easements, buildings, works, material and plant shall be deemed to be their fair market value at the time of the purchase, due regard being had to the nature and then condition of the transmission line or such buildings, works, material and plant, and the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking of the Company, and to any loss occasioned to the Company by severance; but without any addition in respect of compulsory purchase or of good will or of any profits which may or might have been or be made from the transmission line or any similar considerations: Provided also that the Company shall have the first claim upon the carrying capacity of the transmission line up to 1,000 kilowatts at 6,600 volts as aforesaid or alternatively such other pressure as may be mutually agreed between the Ministry and the Company.

7. The 1,000 kilowatts aforesaid shall be computed as being delivered to the transmission line at the Belfast Terminus at a power factor of not less than .8 or at such other power factor as will result in a reduction in pressure at Lisburn not exceeding 10 per cent.

8. The Company shall not sell or create any mortgage, charge or burden upon the transmission line without the consent of the Ministry of Commerce.

9. The Company shall until the Ministry exercises the right of purchase conferred on it by paragraph 6. hereof maintain the transmission line in a proper state of repair and make good any loss or damage caused by ordinary wear and tear, over-pressure, accident, flooding, storm or any other cause whatsoever.

10. The expression "the Company" shall include the Company, its successors and assigns.

11. This agreement shall not become effective until approved by each House of the Parliament of Northern Ireland.

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IN WITNESS whereof the Ministry and the Company have caused their Corporate Seals to be affixed hereto the day and year first herein written.

The Corporate Seal of the Ministry of Commerce for Northern Ireland affixed hereto by order of the Ministry in presence of

(Signed) W. D. SCOTT, Secretary.

L.S.

The Corporate Seal of the Lisburn Electric Supply Company Limited affixed hereto in presence of

(Signed) E. S. DASHWOOD, Director.

(Signed) E. S. CLARKE, Director.

(Signed) JOHN BAILEY, Secretary.

(Signed) JAMES R. LINDSAY, Solicitor.

L. S.

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TABLE II*

SHOWING THE EFFECT OF THE YEAR'S LEGISLATION.

PART I.

ACTS OF PARLIAMENT OF THE UNITED KINGDOM (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF THE PARLIAMENT OF NORTHERN IRELAND PASSED IN THE SESSION 17 & 18 GEO. 5.

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 17 & 18 Geo. 5.
3 & 4 Will. 4, c. 68.	Licensing (Ireland).	sec. 2 am.	21, s. 7 (1).
		ss. 10 and 11 repealed.	21, s. 13 and Sch. 3.
5 & 6 Will. 4, c. 39.	Excise.	s. 7 am.	21, s. 12 (4).
17 & 18 Vict., c. 89.	Spirits (Ireland).	s. 3 am.	21, s. 7 (2).
18 & 19 Vict., c. 114.	Public House (Ireland).	s. 1 am.	21, s. 7 (1) (5) (*a*).
23 & 24 Vict., c. 107.	Refreshment Houses (Ireland).	s. 8 and sects. 13 to 17. rep.	21, s. 13 and Sch. 3.
		s. 12 saved.	s. 4 (2) Sch. 1, Art. 6.

*Enactments annually continued by the Expiring Laws Continuance Act are not included in this Table.

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Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 17 & 18 Geo. 5.
33 & 34 Vict., c. 26.	Poisons.	sec. 2 am.	21, s. 9 (1) *b*.
34 & 35 Vict., c. 31.	Trade Union.	s. 16 applied.	20, s. 4 (6). s. 8 (2).
35 & 36 Vict., c. 94.	Licensing.	s. 3 applied, s. 6 excluded, s. 52 app. with mod.	21, s. 7 (2) (3), s. 4 (2) Sch. 1, par. 5.
37 & 38 Vict., c. 69.	Licensing (Ireland).	s. 2 applied. s. 12 (2) am. s. 13 am.	21, s. 3 (3), s. 7 (5) *b*, *c*.
		Section 15; in section 16, the words "in manner aforesaid." rep.	21, s. 13 and Sch. 3.
		s. 19 applied.	s. 12 (1).
38 & 39 Vict., c. 63.	Sale of Food and Drugs.	s. 25 applied.	17, s. 1 (6).
38 & 39 Vict., c. 86.	Conspiracy, and Protection of Property.	s. 5 am. s. 7 "besetting" "intimidate" defined.	20, s. 3, 6 (4).
39 & 40 Vict., c. 22.	Trade Union (Amendment).	s. 15 applied.	20, s. 8 (4).
40 & 41 Vict., c. 2.	Treasury Bills.	s. 6 excluded.	2, s. 3 (2). 12, s. 2 (2).
c. 56.	County Officers and Courts (Ireland).	s. 39 and s. 79 applied.	16, s. 27 (2) Sch. 4, Art. 2 (*a*).
50 & 51 Vict., c. 67.	Superannuation.	s. 1 modified.	16, s. 33.

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Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 17 & 18 Geo. 5.
52 & 53 Vict., c. 60.	Preferential Payments Bankruptcy (Ireland).	Sec. 4 am.	16, s. 7 (3).
53 & 54 Vict., c. 59.	Public Health Acts Amendment.	s. 36 and s. 51 am.	21, s. 12 (3) (7).
57 & 58 Vict., c. 30.	Finance.	Pt. I am.	11 (5).
c. 42.	Quarries.	rep.	19, s. 31, Sch. 2.
59 & 60 Vict., c. 25.	Friendly Societies.	s. 8 (1) proviso, s. 16, s. 41 am.	16, s. 31 (8).
61 & 62 Vict., c. 46.	Revenue.	s. 16 rep.	s. 13 and Sch. 3.
62 & 63 Vict., c. 51.	Sale of Food and Drugs.	s. 20 applied.	17, s. 1 (6).
1 Edw. 7, c. 22.	Factory and Workshop.	ss. 80, 81 and 84 applied.	7, s. 1 (2).
		ss. 73, 85, 86, 119-121, Part IX app.	s. 3.
		Application to certain Industrial diseases.	16, s. 44.
		repealed so far as it relates to quarries.	19, s. 31 and Sch. 2.
4 Edw. 7, c. 9.	Registration of Clubs.	am., s. 4 (*h*) mod. s. 6 app.	21, s. 11 (1) (2) (3).
		In s.-sect. (1) of s. 2, the words from "be signed" where those words first occur to "and shall also;" so much of the First Schedule as refers to justices of the peace. rep.	21, s. 13 and Sch. 3.

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Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 17 & 18 Geo. 5.
6 Edw. 7, c. 47.	Trade Disputes.	am.	20, s. 1 (4).
c. 53.	Notice of Accidents.	repealed so far as relates to quarries.	19, s. 31 and Sch. 2.
c. 54.	Town Tenants (Ireland).	s. 5 excluded.	21, s. 3 (4) proviso.
c. 58.	Workmen's Compensation Act, 1906.	second Sch., par. 9 am.	13.
		s. 7 applied.	16, s. 35.
		The whole Act, except sections seven and eleven and sec. 16, ss. 2 (in part) and the reserved provisions set out in the Fourth Schedule to this Act. rep.	16, s. 51 and Sch. 6.
7 Edw. 7, c. 13.	Finance.	s. 16 am.	11, s. 7 (3), Sch. 2.
8 Edw. 7, c. 40.	Old Age Pensions.	s. 5 (1) new provn. substit.	22, s. 6, s. 7. Sch. 1 par. 2,
		s. 7 (1) and 8 (1) (2) (3) (4) rep. and new provn. substit. for s. 7 (2) and 8 (5).	
		s. 9 (2) am.	
		s. 10 mod. and sub-sec. (4) rep.	
		s. 9 (2) excluded.	s. 2 (7) (8).
		s. 10 extended and app. with mod.	s. 2 (8) s. 4 (2). s. 6 (3) Sch. 1.
8 Edw. 7, c. 69.	Companies (Consolidation).	sec. 107 am.	16, s. 7 (3) (4) (5).
		sec. 209 am.	

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Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 17 & 18 Geo. 5.
1 & 2 Geo. 5, c. 16.	Old Age Pensions.	s. 6 am. and in partic. sub-sec. (1) am. (2) new sub-sec. substit. (6) rep. s. 7 (2) new sub-sec. substit. (3) am.	22, s. 6, s. 7, s. 8, Sch. 1, Art. 3, Sch. 2
c. 50.	Coal Mines.	am. Section 110 rep.	16, s. 34. 16, sec. 51 and Sch. 6.
2 & 3 Geo. 5, c. 30.	Trade Union.	Act. ext. s. 3 am. s. 4 (2), s. 5, s. 6 and Sch. rep.	20, s. 4 (1) (3) (5) Sch. 2
6 Geo. 5, c. 11.	Finance (New Duties).	s. 1 (1) (5) (c) (Scale of duty) rep. as from 1-6-27.	11, s. 7 (3) Sch. 2.
7 & 8 Geo. 5, c. 31.	Finance.	s. 3 rep. as from 1-6-27.	11, s. 7 (3) Sch. 2.
8 & 9 Geo. 5, c. 8.	Workmen's Compensation (Illegal Employment).	The whole Act repealed.	16, sec. 51 and Sch. 6.
c. 14.	Workmen's Compensation (Silicosis).	Sec. 1 am. The whole Act. rep.	13. 16, sec. 51 and Sch. 6.
c. 15.	Finance.	s. 11 rep. as from 1-6-27.	11, s. 7 (3) Sch. 2.
9 & 10 Geo. 5, c. 32.	Finance.	s. 7 rep. as from 1-6-27.	11, s. 7 (3) Sch. 2.
c. 45.	Housing (Ireland).	s. 11 am.	15, s. 2 (1).
c. 102.	Old Age Pensions.	s. 6, s. 7 am.	22, s. 6, s. 7, Sch. 1 par. 4

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Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 17 & 18 Geo. 5.
10 & 11 Geo. 5, c. 17.	Rent and Mortgage Interest Restriction.	s. 5 (1) (*d*) (*e*). s. 9 and 10 am. s. 12 (2) i am.	18, ss. 1, 2.
c. 65.	Employment of Women, Young Persons and Children.	saved so far as it relates to employment in quarries.	19, s. 31 (3) (ii).
c. 67.	Government of Ireland.	s. 63 applied.	11, s. 7 (2).
11 & 12 Geo. 5, c. 32.	Finance.	s. 9 rep. as from 1-6-27.	11, s. 7 (3) Sch. 2.
14 & 15 Geo. 5, c. 38.	National Insurance.	am.	16, s. 23 (6).
15 & 16 Geo. 5, c. 22.	Trade Disputes and Trade Unions.	s. 4 (3) (5)ext. to N. Ireland.	20, s. 4, s 5.
c. 84.	Workmen's Compensation.	s. 35 ss. 1, ss. 3, extended to N.I. s. 39 am.	16, s. 35.

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PART 2.

ACTS OF PARLIAMENT OF NORTHERN IRELAND (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF THAT PARLIAMENT PASSED IN THE SESSION

17 & 18 GEO. 5.

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 17 & 18 Geo. 5.
12 Geo. 5, c. 9.	Salaries of Ministerial Offices.	s. 1 (1) (*b*) and Sched. am.	5, s. 1.
12 & 13 Geo. 5, c. 24.	Loans Guarantee.	s. 1 (1) am.	8, s. 1.
13 Geo. 5, c. 4.	Exchequer and Financial Provisions.	s. 2 am. s. 6 (3) app.	10, s. 1 s. 2, s. 3 (4).
13 & 14 Geo. 5, c. 12.	Intoxicating Liquor.	Act am. s. 1 (1) proviso rep. s. 1 (3) app. s. 2 (1) explained. s. 6 (1) am. s. 4 am. and in part rep. s. 6 (1) rep. s. 8 (3) rep. and new provn. substit. s. 8 app. s. 9 (*b*) rep. and new provn. substit. s. 9 am. s. 11 excluded. s. 12 (2) saved. s. 12 excluded. Sch. 2, Pt. II, Art I excluded, Art. 2 rep. and new provn. substit.	21 s. 8. s. 13, Sch. 3. s. 1, s. 2. s. 9 (1) (5), s. 13, Sch. 3. s. 13, Sch. 3. s. 7 (4), s. 13, Sch. 3. s. 10 (3). s. 3 (4), s. 13, Sch. 3. s. 3. s. 7 (5) (6). s. 4 (5). s. 10 (1). s. 11 (1) (*e*) (*f*).

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13 & 14 Geo. 5, c 15.	Loans Guarantee.	am.	8.
c. 23.	Labourers.	s. 1 (2) am. and new sub-sec. (2A) substit. in relation to certain schemes.	4, s. 1.
c. 26.	Finance.	s. 1, ss. 1 (*b*) am.	11, s. 2 (2), s. 3 (*b*).
c. 30.	Housing.	s. 1 am.	15, s. 1.
c. 33.	Workmen's Compensation.	First Sch. par. 3 (*b*) am. par. 16 am.	13, s. 5. s. 2 (1).
		The whole Act, except sections 1, 6, 25, 26, 27, 28 and 29 rep.	16, Sch. 6.
		s. 25 and 26 repealed so far as they relate to quarries.	19, s. 31 and Sch. 2.
14 Geo. 5, c. 2.	Loans Guarantee.	am.	8.
14 & 15 Geo. 5, c. 19.	Finance.	s. 2 am. and app.	11, s. 2 (2), s. 3 (*b*).
c. 28.	Housing Acts Amendment.	s. 1 am.	15, s. 2.
15 Geo. 5, c. 2.	Loans Guarantee.	am.	8.
15 & 16 Geo. 5, c. 5.	County Officers and Courts.	s. 10 am.	16, s. 27.
c. 6.	Rules Publication.	s. 1, ss. 4 applied.	7.

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Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 17 & 18 Geo. 5.
15 & 16 Geo. 5, c. 12.	Rent and Mortgage Interest Restriction.	am.	18, s. 1.
c. 20.	Old Age Pensions.	amended.	22, secs. 6 and 7 and Sch. 1.
c. 23.	Widows', Orphans' and Old Age Contributory Pensions.	s. 45 rep.	22, s. 8 and Sch. 2.
c. 29.	Intoxicating Liquor (Finance).	sec. 2 am.	21, s. 7 (7).
16 Geo. 5, c. 3.	Loans Guarantee.	am.	8.
16 & 17 Geo. 5, c. 8.	Emergency Powers.	Sec. 2 (1) am.	20, s. 1 (4).
c. 19.	Loans Guarantee.	am.	8.
c. 31.	Motor Vehicles (Traffic and Regulations).	applied.	9.
17 & 18 Geo. 5, c. 10.	Exchequer and Financial Provisions.	s. 4 (*b*) mod.	15, s. 1 (3).
c. 13.	Workmen's Compensation (Miscellaneous Amendments).	The whole Act repealed.	16, s. 51 and Sch. 6.

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TRADE DISPUTES AND TRADE UNIONS ACT : An Act to declare and amend the law relating to Trade Disputes and Trade Unions, to regulate the position of Civil Servants and persons employed by public authorities in respect of membership of Trade Unions and similar organisations,

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ii. An Act to simplify the Collection and Recovery of Rates in the Urban District of Newry, and to authorize the closing of a street in the said Urban District, and for other purposes. (*Newry Urban District Council.*)

iii. An Act to transfer from the Carrickfergus Harbour Commissioners to the Urban District Council of Carrickfergus the Harbour of Carrickfergus, and all other property of the Carrickfergus Harbour Commissioners, and to confer power on the Urban District Council of Carrickfergus to execute certain works and to make certain railways at the said Harbour, and to work, use, maintain, and repair the said harbour works and railways, and to levy tolls for the use thereof, and to borrow ten thousand pounds and to secure repayment thereof by mortgage or charge and for other purposes. (*Carrickfergus Harbour.*)

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THE
LOCAL ACTS

17, 17 & 18 GEORGE 5.

CHAPTER I.

A.D. 1927.

An Act to simplify the Collection and Recovery of Rates in the Town of Portadown, and for other purposes. [31st May, 1927.]

WHEREAS the Town of Portadown is an Urban District, subject to the Acts relating to such districts in Northern Ireland, and the Urban District Council of Portadown (in this Act called "the Council") are the urban sanitary authority for the said district.

And whereas the expenses of the Council, whether as an urban district or sanitary authority, are payable out of the Town rate:

And whereas it is expedient that the Poor Rate and Town rate should be recoverable together:

And whereas it is expedient that the owner, instead of the occupier, should be liable for and rated to the Poor rate and Town rate in respect of the hereditaments specified in this Act:

And whereas it is expedient that the other provisions in this Act contained should be enacted:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds (Ireland) Act, 1888, have been observed.

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may BE ENACTED AND BE IT ENACTED by the KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of same as follows (that is to say):

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PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as The Portadown Urban District Council Act (Northern Ireland), 1927.

Act divided into Parts.

2. This Act is divided into Parts as follows—

Part I.—Preliminary.
Part II.—Recovery of Rates.
Part III.—Rating of Owners.
Part IV.—Costs of the Act.

Interpretation.

3. In this Act unless otherwise expressly provided or the context otherwise requires—

"The District" means the Urban District of Portadown in the County of Armagh as constituted for the time being;

"The Council" means the Urban District Council of the District;

"Owner" in relation to a hereditament means a person for the time being receiving from the occupier the rent payable in respect thereof whether on his own account or as agent or trustee for any other person, or who would so receive the same if such hereditaments were let at a rent;

"The Town Rate" means the general consolidated town rate raised by the Council under the powers of the Towns Improvement (Ireland) Act, 1854, and the Public Health (Ireland) Act, 1878, as extended by any other Acts, the Water Rate raised by the Council under the powers of the Public Health (Ireland) Act, 1878, as extended by any other Act, and the rate raised by the Council under the powers of the Public Libraries (Ireland) Acts, 1855 to 1920.

PART II.—RECOVERY OF RATES.

Town rate recoverable with Poor rate.

4. The Poor rate and the Town rate may be demanded together in one demand note and shall be recoverable in one sum and all the enactments relating to the apportionment and recovery of the Poor rate which are in force at the commencement of this Act shall,

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subject to the provisions of this Act, apply to the apportionment and recovery of the Town rate. Every demand note shall specify the amount in the pound required for Poor rate and Town rate respectively.

PART III.—RATING OF OWNERS.

Commencement of this part of Act.

5. This part of this Act shall come into operation on the thirty-first day of March, One Thousand Nine Hundred and Twenty-Eight.

Owner to be rated instead of Occupier in certain cases.

6.—(1) The owner instead of the occupier shall be liable for and rated to the Poor rate and Town rate in respect of any hereditaments of which the net value does not exceed eight pounds, and the provisions of section fifty-two of the Local Government (Ireland) Act, 1898, shall in their application to the Poor rate be modified accordingly.

(2) The Council shall allow to each owner who pays the said rates in pursuance of this section within one month after service of the notice demanding payment of said rates a deduction equal to five per centum of the amount so paid.

(3) Whenever the name of any owner liable to be rated under the provisions of this section is unknown, it shall be sufficient to rate such owner in the rate book of the Council as the owner of the property to be rated by the description of owner without stating his name, and any notice, demand note or other document required or authorised to be sent or served concerning the rates payable in respect of the said property may be addressed to "the owner" of the premises (naming the premises) without further name or description, and if after due enquiries have been made the name and address of such owner cannot be discovered may be sent or served by delivering it to some person on the premises.

(4) (*a*) When any owner is rated in pursuance of the provisions of sub-section (1) of this section in respect of any hereditaments in the occupation of any tenant under any contract of tenancy made prior to the passing of this Act, such tenant shall repay to the owner all sums paid by the owner during the continuance of such contract of tenancy on account of the Poor rate and Town rate, which would but for this Act have been payable by the tenant under such contract of tenancy.

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A.D. 1927.

(*b*) Where any owner is rated in pursuance of the provisions of sub-section (1) of this section in respect of any hereditament in the occupation of any tenant under any contract of tenancy made after the passing of this Act and pays any sum in respect of Poor rate or Town rate which under such contract of tenancy as between the owner and the tenant, the tenant is liable to pay, such tenant shall pay to the owner the amount of every rate so paid.

(*c*) Every sum payable by the tenant to the owner by virtue of this sub-section may be recovered, if not paid upon demand, as arrears of rent could be recovered from the tenant by the owner.

(*d*) If under the terms of any contract of tenancy made after the passing of this Act for the letting of any premises to which sub-section (1) of this section applies, the sum made payable under such contract is inclusive as between landlord and tenant of all sums payable for rates, and after the date of such contract the amount of the rates payable in respect of such premises is increased or reduced, the sum so made payable as rent shall be increased or reduced as the case may be, by the amount of every such increase or reduction in the sum payable by the landlord for rates in respect of such premises and attributable to the period during which such rent accrued and where any such rent is made payable for a period or periods of less than one year, the proper proportion of such increase or reduction shall be paid or allowed, as the case may require, on the occasion of each payment of rent. Any such increased or reduced rent shall be recoverable in the same manner as the rent reserved by the contract of tenancy. Provided that for the purposes of the summary recovery of possession of any such premises under the provisions of section fifteen of the Summary Jurisdiction (Ireland) Act, 1851, the amount of the rent shall be deemed to be the amount computed by deducting the amount of the rates from the total sum payable in respect of rent.

(*e*) In every contract of tenancy made after the passing of this Act in respect of any premises to which sub-section (1) of this section applies any rent thereby reserved shall be deemed to be inclusive of rates, unless a contrary intention shall appear from such contract.

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PART IV.—COSTS OF ACT.

A.D. 1927

Costs of Act

7. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall, as taxed by the Taxing Officer of the Parliament of Northern Ireland, be paid by the Council out of the Town rate.

CHAPTER II.

An Act to simplify the Collection and Recovery of Rates in the Urban District of Newry, and to authorize the closing of a street in the said Urban District, and for other purposes.

[31st May, 1927.]

WHEREAS the Town of Newry is an Urban District subject to the Acts relating to such Districts in Northern Ireland and the Urban District Council of Newry (in this Act called the Council) are the Urban Sanitary Authority for the said District.

And whereas the expenses of the Council whether as an Urban District or Sanitary Authority are payable out of the Poor rate, the Consolidated Town rate, and the Water rate.

And whereas it is expedient that the owner instead of the occupier should be liable for and rated to the Poor rate, the Consolidated Town rate and the Water rate in respect of the hereditaments specified in this Act.

And whereas it is expedient that the Council should be authorised to close the Street in this Act mentioned, and to exercise in relation to such Street when closed the powers in this Act conferred.

And whereas it is expedient that the other provisions in this Act contained should be enacted.

And whereas the objects aforesaid cannot be obtained without the Authority of Parliament.

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds (Ireland) Act, 1888, have been observed.

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A.D. 1927

MAY IT THEREFORE PLEASE YOUR MAJESTY,

That it may BE ENACTED AND BE IT ENACTED by the KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same as follows (that is to say):—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Newry Urban District Council Act (Northern Ireland), 1927.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Recovery of Rates.
Part III.—Liability of Owner for Rates in Certain Cases.
Part IV.—Power to the Council to close up a Certain Street.
Part V.—Costs of the Act.

Interpretation of Terms.

3. In this Act unless otherwise expressly provided or the context otherwise requires:—

The "District" means the Urban District of Newry as constituted for the time being.

The "Council" means the Urban District Council of the District.

"Owner" means any person for the time being receiving from the occupier the rent of the lands or premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive that rent if the lands or premises were let at a rent.

"The Consolidated Town Rate" means the rate other than the Newry Water rate raised by the Council under the powers of the Towns Improvement (Ireland) Act, 1854; Local Government Acts (Northern Ireland), 1898 to 1923; The Newry Improvement and Water Act, 1871; The Newry Improvement Act, 1889; The Newry Port and Harbour Trust Act, 1901;

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The Public Libraries (Ireland) Act, 1855; The Public Libraries (Ireland) Act, 1894; The Public Libraries (Ireland) Act, 1920; The Education Act (Northern Ireland), 1923; and The Public Health (Ireland) Act, 1878, as extended by any other Act or Acts.

"The Water rate" means the "Newry Water rate" raised by the "Council" under the powers of the Newry Improvement and Water Act, 1871, as extended by any other Act.

PART II.—RECOVERY OF RATES.

4. The Poor rate the Consolidated Town rate and the Water rate may be demanded together in one Demand Note and shall be recoverable in one sum and all the enactments relating to the apportionment and recovery of the Poor rate which are in force at the commencement of this Act shall subject to the provisions of this Act apply to the recovery of the Consolidated Town rate and the Water rate. Every Demand Note shall specify the amount in the pound required for the Poor rate the Consolidated Town rate and the Water rate respectively.

PART III.—LIABILITY OF OWNER FOR RATES IN CERTAIN CASES.

Date of coming into operation of this part of Act.

5. This Part of this Act shall come into operation on the 31st day of March, one thousand nine hundred and twenty-eight.

Owner instead of Occupier of certain hereditaments to be liable for Rates.

6.—(1) The Owner instead of the Occupier shall be liable for and rated to the Poor rate the Consolidated Town rate and the Water rate in respect of any hereditaments of which the Net Annual Value under the Irish Valuation Acts does not exceed eight pounds and the provisions of section fifty-two of the Local Government (Ireland) Act, 1898, shall in their application to the Poor rate be modified accordingly.

(2) The Council shall allow to each owner who pays the said rates in pursuance of this section within one month after service of the notice demanding payment of said rates such deduction or allowance as the Council

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may deem reasonable not exceeding ten per cent. and not being less than two and one-half per cent. of the amount of the rates so paid.

(3) Whenever the name of any owner liable to be rated under the provisions of this section is unknown it shall be sufficient to rate such owner in the rate book of the Council as the owner of the property to be rated by the description of Owner without stating his name and any Notice demand note or other document required or authorized to be sent or served concerning the rates payable in respect of the said property may be addressed to "the Owner" of the premises (naming the premises) without further name or description and may be sent or served by delivering it to some person on the premises or if there is no person on the premises to whom it can be delivered then by leaving it on the premises or by fixing it on some conspicuous part of the premises.

(4)—(*a*) When any owner is rated in pursuance of the provisions of sub-section (1) of this section in respect of any hereditament in the occupation of any tenant under any tenancy made prior to the passing of this Act such tenant shall repay to the owner all sums paid by the owner during the continuance of such tenancy on account of the Poor rate the Consolidated Town rate and the Water rate which would but for this Act have been payable by the tenant under such contract of tenancy.

(*b*) Where any owner is rated in pursuance of the provisions of sub-section (1) of this section in respect of any hereditament in the occupation of any tenant under any contract of tenancy made after the passing of this Act and pays any sum in respect of Poor rate or Consolidated Town rate or Water rate which under such contract of tenancy as between the owner and the tenant the tenant is liable to pay such tenant shall pay to the owner the amount of every rate so paid.

(*c*) Every sum payable by the tenant to the owner by virtue of this sub-section may be recovered if not paid upon demand as arrears of rent could be recovered from the tenant by the owner.

(*d*) If under the terms of any contract of tenancy made after the passing of this Act for the letting of any

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premises to which sub-section (1) of this section applies the sum made payable under such contract is inclusive as between landlord and tenant of all sums payable for rates and after the date of such contract the amount of the rates payable in respect of such premises is increased or reduced the sum so made payable as rent shall be increased or reduced as the case may be by the amount of every such increase or reduction in the sum payable by the landlord for rates in respect of such premises and attributable to the period during which such rent accrued and where any such rent is made payable for a period or periods of less than one year the proper proportion of such increase or reduction shall be paid or allowed as the case may require on the occasion of each payment of rent. Any such increased or reduced rent shall be recoverable in the same manner as the rent reserved by the contract of tenancy. Provided that for the purposes of the summary recovery of possession of any such premises under the provisions of section fifteen of the Summary Jurisdiction (Ireland) Act, 1851, the amount of the rent shall be deemed to be the amount computed by deducting the amount of the rates from the total sum payable in respect of rent.

(*e*) In every contract of tenancy made after the passing of this Act in respect of any premises to which sub-section (1) of this section applies any rent thereby reserved shall be deemed to be inclusive of rates unless a contrary intention shall appear from such contract.

PART IV.—POWER TO THE COUNCIL TO CLOSE UP A CERTAIN STREET.

Power to close street.

7.—(1) The Council may close and stop up the Street described in the Schedule hereto and set out in the deposited plans, and on said Street being so closed and stopped up all Public and other rights of way and other right in, over, or on so much thereof as shall be stopped up shall be absolutely extinguished.

(2) As soon as the Council have closed and stopped up said Street the soil thereof shall immediately vest in the Revd. Francis Joseph O'Hare and his heirs, Provided that the Council shall have the right to keep and maintain under the soil of the said Street the existing sewer, water main and gas main, the property of the

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A.D. 1927.

Council, and also the right by its workmen, servants and agents from time to time to enter upon the said street to open up the same and to repair, renew, cleanse and maintain the said sewer and mains.

(3) Any Costs charges and expenses incurred by the Council in the execution of this section shall be defrayed out of the Consolidated Town rate.

PART V.—COSTS OF THE ACT.

Costs of the Act.

8. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act, or otherwise in relation thereto shall be when taxed by the Taxing Officer of the Parliament of Northern Ireland paid by the Council out of the Consolidated Town rate.

SCHEDULE.

So much of the Street known as Lower Water Street in the Urban District of Newry, as extends for two hundred feet or thereabouts from its junction with Hill Street to a point in an easterly direction ending at the rere of the Cathedral of Saints Patrick and Colman in said Urban District.

CHAPTER iii.

An Act to transfer from the Carrickfergus Harbour Commissioners to the Urban District Council of Carrickfergus the Harbour of Carrickfergus, and all other property of the Carrickfergus Harbour Commissioners, and to confer power on the Urban District Council of Carrickfergus to execute certain works and to make certain railways at the said Harbour, and to work, use, maintain, and repair the said harbour works and railways, and to levy tolls for the use thereof, and to borrow ten thousand pounds and to secure repayment thereof by mortgage or charge and for other purposes.

[31st May, 1927.]

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WHEREAS by the Carrickfergus Harbour Order, 1862, the Municipal Commissioners of the Borough of Carrickfergus were incorporated by the name of the Carrickfergus Harbour Commissioners, and were empowered to take and hold land and other property for the purposes of the Order, and the Carrickfergus Harbour Commissioners were thereby empowered to borrow at interest a sum or sums not exceeding six thousand pounds.

And whereas by two Indentures, each dated the 7th day of May, 1863, the Municipal Commissioners of the Borough of Carrickfergus conveyed to the Carrickfergus Harbour Commissioners the Harbour of Carrickfergus and the seashore opposite thereto, and the customs and shipping dues leviable by the Municipal Commissioners.

And whereas by the Carrickfergus Harbour Order, 1865, the Carrickfergus Harbour Commissioners were empowered to borrow at interest sums not exceeding in the whole eight thousand pounds.

And whereas by the Carrickfergus Harbour Order, 1875, the Carrickfergus Harbour Commissioners were empowered to borrow such further sums not exceeding ten thousand pounds as might be required for the purposes of the works thereby authorised.

And whereas by the Carrickfergus Harbour Act, 1880, the Municipal Commissioners of the Borough of Carrickfergus were empowered, with the consent of the Commissioners of Her Majesty's Treasury, and subject to the provisions of the Municipal Corporation Acts as to mortgages of the Municipal property, to mortgage the Municipal property for securing repayment with interest of money borrowed by the Carrickfergus Harbour Commissioners under the Carrickfergus Harbour Orders, 1862, 1865 and 1875.

And whereas the Carrickfergus Harbour Commissioners in exercise of their powers under the Carrickfergus Harbour Orders 1862, 1865 and 1875, borrowed from the Commissioners of Public Works in Ireland the sum of twelve thousand pounds.

And whereas by Indenture dated the 5th day of May, 1881, the Carrickfergus Harbour Commissioners, for the purpose of securing repayment by twenty-three

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annual instalments of the said sum of twelve thousand pounds and interest thereon, mortgaged to the Commissioners of Public Works in Ireland the Harbour of Carrickfergus, and the seashore opposite thereto, and the dues, tolls and charges, which the Carrickfergus Harbour Commissioners were then, or should thereafter become entitled to levy.

And whereas by Indenture dated the 21st day of July, 1881, the Municipal Commissioners of Carrickfergus, in exercise of the power conferred by the Carrickfergus Harbour Act, 1880, and for the purpose of securing repayment with interest of the said sum of twelve thousand pounds mortgaged to the Commissioners of Public Works in Ireland a certain ferry and certain lands and the market tolls of the Borough of Carrickfergus, and all rents payable to the Municipal Commissioners for the supply of water and all the lands, tolls, rents, property and hereditaments of the said Municipal Commissioners.

And whereas the payments of principal moneys and interest due under the said Indentures of mortgage fell into arrear, and on the 30th day of October, 1909, there was due thereunder to the Commissioners of Public Works in Ireland for principal moneys and interest the sum of five thousand six hundred and fifty-six pounds, eight shillings and eightpence.

And whereas by the Local Government (Ireland) Act, 1898, the rights, powers, duties and property of the Municipal Commissioners of Carrickfergus were transferred to and vested in the Urban District Council of Carrickfergus.

And whereas by Indenture dated the 30th day of October, 1909, and made between the Carrickfergus Harbour Commissioners of the first part, the Urban District Council of Carrickfergus of the second part, and the Commissioners of Public Works in Ireland of the third part, it was agreed and declared that payment of the said sum of five thousand six hundred and fifty-six pounds, eight shillings and eightpence, should be made by the Carrickfergus Harbour Commissioners to the Commissioners of Public Works in Ireland by means of an annuity of three hundred and sixty pounds and twopence, payable for twenty-five years from the 1st day of May, 1909.

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And whereas the said mortgages, dated the 5th day of May, 1881, and the 21st day of July, 1881, respectively, and the right to receive the moneys due thereunder became vested in the Ministry of Finance for Northern Ireland.

And whereas the Annuity payable under the said Indenture of the 30th day of October, 1909, having fallen into arrear, it was, on the 22nd day of February, 1924, agreed between the Ministry of Finance for Northern Ireland and the Carrickfergus Harbour Commissioners that the total amount then due by the Carrickfergus Harbour Commissioners in respect of the said loan of twelve thousand pounds, should be discharged by an annuity of three hundred and eighty-four pounds, fourteen shillings and eightpence, payable for thirteen and a half years from 1st November, 1923, by equal half-yearly instalments, on the 1st day of May and 1st day of November in each year, the first instalment to be paid on 1st May, 1924.

And whereas the East Pier of the Harbour of Carrickfergus has for many years been, and still is, in a bad state of repair.

And whereas the Pier of the said Harbour, known as the Alexandra Pier, or West Pier, and the railway thereon, are insufficient for the purpose of the quick and convenient discharge of cargoes of ships.

And whereas by reason of the insufficiency of the said pier and railway, the income derived from the said Harbour has been, and still is, insufficient to meet the expense of its maintenance and working, and the payment of the instalments of principal and interest payable as aforesaid on the balance due of the said sum of twelve thousand pounds.

And whereas it is for the advantage of the Urban District of Carrickfergus, and of the public generally, that the East Pier of the said harbour should be repaired, and that the works and railways hereinafter in the Act described and thereby proposed to be authorised should be executed and made.

And whereas it is also for the advantage of the Urban District of Carrickfergus that the said harbour, and all other property, and all rights and powers now vested in

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or exercisable by the Carrickfergus Harbour Commissioners, should be transferred to and vested in the Urban District Council of Carrickfergus, and power conferred on the Urban District Council of Carrickfergus to work and maintain and to repair the said Harbour, and to execute and make the said works and railways.

And whereas it is also for the advantage of the said Urban District of Carrickfergus that power should be conferred on the Urban District Council of Carrickfergus to borrow on the terms that the same shall be repayable over a period of forty years sufficient money to pay off the said moneys so due to the Ministry of Finance for Northern Ireland, and to make and execute the said railways and works and repairs, and to enter into the agreements proposed to be authorised by the Act.

And whereas estimates have been prepared by the Urban District Council of Carrickfergus of the cost of the various works, hereinafter mentioned, and such estimates are as follows:—

	£	s.	d.
For the repair of the Alexandra Pier	2,269	0	0
For the making of Railway No. 1	822	11	2
For the making of Railway No. 2	1,119	14	5
For the repair of the East Pier	1,625	0	0

And whereas in order to provide an adequate revenue for the maintenance of the harbour and works, and for the repayment of moneys borrowed, it is expedient that the said Council should be authorised to levy and collect increased tolls for the use of the harbour and works.

And whereas it is expedient that the other powers mentioned in the Act should be conferred upon the Urban District Council of Carrickfergus.

And whereas the objects aforesaid cannot be effected without the authority of the Parliament of Northern Ireland.

And whereas plans and sections shewing the lines and levels of the railways and works authorised by this Act, and also Books of Reference thereto, and also Ordnance Maps with the line of the Railways proposed to be authorised delineated thereon, were duly deposited with the Secretary of the County Council of the County

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of Antrim, and with the Clerk of the Crown and Peace of the County of Antrim, and with the Clerk of the Urban District Council of Carrickfergus.

MAY IT, THEREFORE, PLEASE YOUR MAJESTY, That it may BE ENACTED AND BE IT ENACTED by the KING'S MOST EXCELLENT MAJESTY, and the Senate and House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same as follows, that is to say:—

PRELIMINARY.

Short title

1. This Act may be cited as the Carrickfergus Harbour Act (Northern Ireland), 1927.

Interpretation.

2. In this Act unless the subject or context otherwise requires:

"The Carrickfergus Harbour Orders" means the Carrickfergus Harbour Order, 1862, the Carrickfergus Harbour Order, 1865, the Carrickfergus Harbour Order, 1875, and the Carrickfergus Harbour Order, 1880.

"The Ministry of Commerce" means the Ministry of Commerce for Northern Ireland.

"The Ministry of Home Affairs" means the Ministry of Home Affairs for Northern Ireland.

"The Commissioners" means the Carrickfergus Harbour Commissioners.

"The Council" means the Urban District Council of Carrickfergus.

"The harbour" means the Harbour of Carrickfergus.

"The harbour and works" means the Alexandra Pier, commonly called the West Pier of Carrickfergus Harbour, the East Pier of Carrickfergus Harbour, including the railway already laid on the said Alexandra Pier, and the railways and works by this Act authorised to be made, and all other, the Port and Harbour of Carrickfergus, and the undertaking carried on by the Commissioners under the authority of the Carrickfergus Harbour Orders.

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"The harbour revenue" means and includes the rates, tolls, dues, rents and other moneys and receipts which may be levied and received by way of income from the harbour and works.

"The district fund" and "the district rate" mean respectively the fund and the rate authorised to be raised by the Council under the powers of the Towns Improvement (Ireland) Act, 1854, and the Public Health (Ireland) Act, 1878, as extended by any other Act.

TRANSFER OF HARBOUR AND WORKS.

Transfer of harbour and works from Carrickfergus Harbour Commissioners to Urban District Council of Carrickfergus

3. From and immediately after the passing of this Act, the harbour and works, and all other property and effects, real and personal, and all rights, powers, privileges and authorities now vested in or exercisable by the Commissioners, shall by virtue of this Act be transferred to and vested in and be exercisable by the Council, and shall, subject to the provisions of this Act, be held, maintained and exercised by the Council.

Liabilities of Carrickfergus Harbour Commissioners to be discharged by Council.

4. All moneys which at the passing of this Act shall be owing by the Commissioners (other than the moneys owing to the Ministry of Finance for Northern Ireland in respect of money lent by the Commissioners of Public Works in Ireland to the Commissioners, and the moneys due by the Commissioners to the Council) shall be paid and all other liabilities, duties and obligations under which the Commissioners are at the passing of this Act shall be discharged and performed by the Council, and any right or cause of action or suit, or any remedy which at the passing of this Act the Commissioners had against any person or persons, or any person or persons had against the Commissioners may be enforced or prosecuted by or against the Council. All moneys expended by the Council in discharge or performance of such liabilities, duties and obligations, shall be deemed to be expenses incurred by the Council in working, using and maintaining the said harbour and works.

Powers and duties of Carrickfergus Harbour Commissioners to be exercised and discharged by Council.

5. The Council may, from the passing of this Act, exercise all the powers, and shall undertake and discharge all the liabilities, obligations and duties conferred on or imposed on the Commissioners by the Carrickfergus Harbour Orders or by any Act of Parliament, as if the Council had been named in those Orders as Undertakers.

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6. From the passing of this Act the Carrickfergus Harbour Commissioners shall, by virtue of this Act, be dissolved.

Dissolution of Carrickfergus Harbour Commissioners.

NEW WORKS.

7. The Council may execute and make the following works, namely:—The widening for part of its length of the Alexandra Pier commonly called the West Pier of the harbour, such widening to commence at a point six yards or thereabouts from the north-west face of the bight or return portion of the said Pier, and to extend thence in a straight line in a north-westerly direction for a distance of eighty yards or thereabouts, and to terminate at a point three hundred and seventy-three yards or thereabouts from the southern boundary of Governor's Walk in the Urban District of Carrickfergus.

Power to Council to execute works.

8. The Council may make and maintain and work and use the railways hereinafter described, or one of them, or any part or parts thereof respectively, with all proper and necessary sidings, junctions, roads, works and conveniences connected therewith, or incidental thereto, respectively, namely:—

Power to Council to make and work railways.

Railway No. 1. A railway three chains and twelve yards long, commencing at a point five yards or thereabouts from the north-eastern face of the existing head of the said Alexandra Pier, commonly known as the West Pier of Carrickfergus Harbour, and terminating by a Junction with the Carrickfergus Harbour Junction Railway at the south-eastern terminus or end thereof.

Railway No. 2. A railway eight chains long, commencing by a junction with the Carrickfergus Harbour Junction Railway at a point eight yards or thereabouts measured along the Carrickfergus Harbour Junction Railway in a north-westerly direction from the south-east terminus thereof and terminating by a junction with the Carrickfergus Harbour Junction Railway at a point forty yards or thereabouts measured along the Carrickfergus Harbour Junction Railway in a south-easterly direction from the south-east end of the existing weigh-bridge on the Carrickfergus Harbour Junction Railway.

9. In constructing the works and railways authorised by this Act the Council may, with the consent in

Power to Deviate.

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writing of the Ministry of Commerce and the Board of Trade, deviate laterally to any extent within the limits of deviation marked on the deposited plan, and may with the like consent deviate vertically to any extent.

Works below high water mark to be subject to approval of the Ministry of Commerce and Board of Trade.

10.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on, under or over tidal waters or tidal lands below high water mark of ordinary spring tides in accordance with plans and sections approved by the Ministry of Commerce and the Board of Trade under the hand of the Secretary or Assistant Secretary of the Ministry of Commerce, and the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade, and subject to such restrictions and regulations as the said Ministry and the said Board may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Ministry of Commerce or the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Council, and the amount of such cost shall be a debt due from the Council to the Ministry of Commerce or to the Crown as the case may be, and shall be recoverable either as a debt due to the Crown or by the Ministry of Commerce or the Board of Trade as a civil debt.

Survey of works by Ministry of Commerce and Board of Trade.

11. If at any time the Ministry of Commerce or the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Council under the powers of this Act, which shall be on under or over tidal waters or tidal lands below high water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Council shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Council to the Ministry of Commerce, or to the Crown, as the case may be, and shall be recoverable either as a debt due to the Crown or by the Ministry of Commerce or the Board of Trade as a civil debt.

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Abatement of Work abandoned or decayed.

12.—(1) Where any work constructed by the Council under the powers of this Act, and situate wholly or partially on, under or over the shore or bed of the sea or of any creek, bay, arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides is abandoned, or suffered to fall into decay, the Ministry of Commerce or the Board of Trade may, by notice in writing, either require the Council at their own expense, to repair and restore such part of such work as is situate below high water mark of ordinary spring tides, or any portion thereof, or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Ministry of Commerce or the Board of Trade may think proper.

(2) If, during the period of thirty days from the date when the Notice is served upon the Council they have failed to comply with such Notice the Ministry of Commerce or the Board of Trade may execute the works required to be done by the Notice at the expense of the Council, and the amount of such expense shall be a debt due from the Council to the Ministry of Commerce or to the Crown as the case may be, and shall be recoverable, either as a debt due to the Crown, or by the Ministry of Commerce or the Board of Trade as a civil debt.

Permanent Lights on Works.

13—(1) After the completion of the works by this Act authorised the Council shall at the outer extremity of those works below high water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Irish Lights shall from time to time direct.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding Twenty Pounds, and in the case of a continuing offence to an additional penalty not exceeding Two Pounds for every day on which after conviction thereof they so fail.

Lights on Works during construction.

14.—(1) The Council shall at or near such part of the works by this Act authorised as shall be below high water mark of ordinary spring tides during the whole time of the construction, alteration or extension of the same

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exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Ministry of Commerce and the Board of Trade shall from time to time require or approve.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding Twenty Pounds, and in the case of a continuing offence to an additional penalty not exceeding Two Pounds for every day on which after conviction thereof they so fail.

Power to Council to make junction with Carrickfergus Harbour Junction Railway.

15. The Council and the Carrickfergus Harbour Junction Railway Company, or the owners or lessees for the time being of the railway known as the Carrickfergus Harbour Junction Railway, may from time to time enter into and carry out, vary and rescind agreements with respect to the point at which, the mode in which, and the terms and conditions on which any junction or junctions between their respective railways shall be made, and the construction, use, management and maintenance of sidings, works and conveniences, upon their respective railways, and all matters incidental thereto.

Power to Council to make agreements with Carrickfergus Harbour Junction Railway Co., as to running powers, traffic, &c.

16. The Council and the Carrickfergus Harbour Junction Railway Company, or the owners or lessees for the time being of the railway, known as the Carrickfergus Harbour Junction Railway, may enter into and carry out, vary and rescind agreements with respect to the working, running over, use, management and maintenance of their respective railways and works, or any of them, or any part thereof respectively, and the conveyance of traffic thereon, the supply of stock and machinery, and of servants for the purposes of the traffic of such railways and works, and the payments to be made, and the conditions to be performed with respect to such working, running over, use, management, maintenance and supply, the conveyance and delivery of traffic upon or coming from, or destined for the respective railways or works of the contracting parties, or either of them, the fixing, division and appropriation of the tolls, rates and charges taken or arising from such traffic, and the rents and payments to be paid or allowed by either of the contracting parties to the other of them, for or on account of any of the matters to which the respective agreements may relate.

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Period of completion.

17. In case the works and railways authorised to be made by the sections of this Act, of which the marginal notes are "Power to Council to execute works," and "Power to Council to make and work railways," respectively, be not conpleted within the period of three years from the passing of this Act, the powers and authorities given by the said sections respectively shall thenceforth cease and determine.

Power to Council to levy tolls.

18. The Council may levy dues, tolls, charges and rates for the use of their harbour and works.

Increase of Maximum Harbour Rates.

19. As from the date of the passing of this Act the maximum dues, tolls, charges and rates leviable at the harbour and works by the Council as the Undertakers for the purposes of the harbour and works under the authority of the Carrickfergus Harbour Order, 1865, are hereby respectively increased by an amount equal to 50 per cent. of the respective amounts thereof, and the Carrickfergus Harbour Order, 1865, and this Act shall be read and have effect accordingly.

Adjustment of Tolls.

20.—(1) The rates and tolls and duties to be received by the Council shall be adjusted by them in such a manner that as far as possible the harbour revenue shall be sufficient for the purposes of providing the money necessary for making the payments and providing the funds mentioned in the section of this Act of which the marginal note is "Application of Harbour Revenue."

(2) If at any time it appears to the Ministry of Commerce from the annual account to be sent to them under this Act that the clear annual income derived from the rates leviable by the Council on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Act and of the Carrickfergus Harbour Orders, the Ministry may if in their discretion they think fit reduce the rates leviable under this Act to such amounts as will be sufficient to provide the amount aforesaid, and may again at any time raise the rates to any amount not exceeding the maximum rates authorised by this Act.

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FINANCE.

Power to Council to borrow.

21—(1) The Council may, independently of any moneys which they have already borrowed, or which they may be authorised to borrow under any other Act or Order, from time to time borrow on mortgage or bond at interest not exceeding six per cent. per annum any sum or sums of money not exceeding in the whole ten thousand pounds, for the purposes hereinafter mentioned, that is to say—

(1)—(*a*) The payment of all sums due to the Ministry of Finance by the Commissioners.

(*b*) The execution of the works and the making of the railways mentioned in the sections of this Act; of which the marginal notes are "Power to Council to execute works" and "Power to Council to make and work railways," respectively.

(*c*) The repair of the East Pier of the Harbour of Carrickfergus;

(*d*) Paying the costs, charges and expenses of obtaining this Act.

(2) The powers of borrowing and reborrowing conferred on the Council by this Act shall not be restricted by any of the provisions of the Public Health (Ireland) Act, 1878, and in calculating the amount which the Council may borrow under that Act any sums which they may borrow or re-borrow under this Act shall not be reckoned.

Time for repayment of monies borrowed.

22. The Council shall pay off all moneys borrowed by them under the powers conferred by this Act for the purposes mentioned at (*a*), (*b*) and (*c*) in the section of this Act of which the marginal note is "Power to Council to borrow," and all moneys re-borrowed by them under the powers conferred by this Act within forty years from the passing of this Act, and moneys borrowed for the the purpose (*d*) mentioned in the said section within five years from the passing of this Act.

Power to Council to mortgage or charge.

23. In order to secure repayment of the moneys to be borrowed under the powers conferred by this Act, and the payment of interest thereon the Council may mortgage or charge—

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(*a*) The harbour and works;

(*b*) The harbour revenue;

(*c*) The Lands and Houses, the property of the Council situate in the Town of Carrickfergus, and in the North-East Division, the West Division, and the Middle Division of Carrickfergus, all in the Parish of Saint Nicholas, and County of Antrim;

(*d*) The district fund;

(*e*) The district rate;

or any one or more of them.

Mortgages and charges to be in equal priority.

24. The owners of mortgages or charges given by the Council under the powers conferred by the section of this Act, of which the marginal note is "Power to Council to mortgage or charge," shall be entitled one with another to their respective proportions of the property, rates and funds comprised in the said mortgages and charges respectively, according to the respective principal sums thereby respectively secured, and shall be repaid the sums so advanced with interest without any preference one above another by reason of the priority of advancing such moneys, or of the dates of such mortgages or charges.

Power to Council to borrow money at a lower rate of interest to pay off securities at a higher rate.

25. If the Council can at any time borrow any sum of money at a rate of interest lower than the rate then payable for any money borrowed under the powers conferred by this Act, the Council may borrow such sum at such lower rate in order to repay the moneys borrowed at such higher rate. Provided that all monies so borrowed shall be repaid within the period prescribed for the repayment of money in lieu of which such borrowing has been made.

Power to Council to reborrow.

26. Any sums of money which have been borrowed under the powers conferred by this Act, and have been repaid out of the harbour revenue, the district fund, or the district rate, may, with the consent of the Ministry of Home Affairs in consultation with the Ministry of Commerce, be reborrowed by the Council for the purpose of the repair, improvement or enlargement of the harbour and works.

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Powers to Council to secure moneys borrowed or reborrowed.

27. For the purpose of securing repayment of any moneys borrowed under the powers conferred by the section of this Act, of which the marginal note is "Power to Council to borrow money at a lower rate of interest to pay off securities at a higher rate," or reborrowed under the powers conferred by the section thereof, of which the marginal note is "Power to Council to re-borrow," and the payment of interest thereon, the Council shall have all the powers of mortgaging and charging conferred by the section of this Act of which the marginal note is "Power to Council to mortgage or charge."

Register of mortgages and charges.

28. A register of the mortgages and charges given by the Council under the powers conferred by this Act shall be kept by the Council, and within fourteen days after the date of any such mortgage or charge an entry of the date thereof, the names of the parties thereto, and the amount thereof, shall be made in the register. Every such register shall be open to public inspection during office hours at the office of the Council without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection shall be liable to a penalty not exceeding five pounds, which may be recovered in a summary manner.

Transfer of mortgages and charges

29.—(1) Any person entitled to any such mortgage or charge may transfer his right thereto to any other person. Every such transfer shall be by deed, duly stamped, wherein the consideration shall be truly stated.

(2) Within thirty days after the date of any such transfer, if executed in Great Britain or Ireland, or otherwise within thirty days of its arrival in Great Britain or Ireland, it shall be produced to the Clerk of the Council, who shall thereupon cause an entry thereof to be made in the same manner as in the case of the original mortgage or charge, and for such entry the said Clerk may demand a sum not exceeding five shillings. After such entry every such transfer shall entitle the transferee, his executors or administrators, to the full benefit of the original mortgage or charge, and the principal money and interest thereby secured, and it shall not be in the power of any person except the person the transfer to whom shall have been last entered to release or discharge the mortgage or charge so transferred, or any money thereby secured.

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(3) The Council shall not be bound to see to the execution of any trust whether expressed, implied or constructive, to which any money lent to them, or security given by them, shall be subject; but the receipt of the person in whose name any loan or security for loan stands in the register book of the Council, shall from time to time be a sufficient discharge to the Council in respect thereof, notwithstanding any trust to which the money lent or the security therefor may be subject, and whether or not the Council had notice of such trust, or of any charge or incumbrance on, or transfer of such loan or security, or any part thereof, or interest thereon not entered in the register, and the Council shall not be bound to see to the application of the money paid on such receipt.

Protection of lenders.

30. A person lending money to the Council under this Act shall not be bound to enquire as to the observance by them of any of the provisions of this Act, or be bound to see to the application, or be answerable for any misapplication or loss of the money lent or any part thereof.

Application of money borrowed.

31. Money borrowed by the Council under the powers conferred by this Act shall be applied only for the purposes of this Act for which it is authorised to be borrowed, and to which capital is properly applicable.

Power to Council to provide money for the purposes of the harbour.

32. The Council may and shall provide such moneys as may be necessary for the maintenance, management, use and working of the harbour and works, and the payment of all expenses in connection therewith out of the harbour revenue, or if that shall be insufficient in manner provided by the section of this Act of which the marginal note is "Making up deficiency in Harbour Revenue," save in so far as such moneys shall be properly payable out of moneys borrowed under the powers conferred by this Act.

Application of harbour revenue.

33. The Council shall apply the harbour revenue for the purposes, and in the order following, and not otherwise, that is to say:—

(*a*) In paying the expenses properly chargeable to revenue of conducting, managing and maintaining the harbour and works;

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(*b*) In paying year by year the interest as it accrues due on the moneys borrowed under the powers conferred by this Act;

(*c*) In repaying as they fall due the principal moneys so borrowed, or the instalments thereof.

(*d*) In providing a sinking fund for the discharge of any principal moneys so borrowed which shall not yet have become payable, other than moneys repayable by yearly or half-yearly instalments of principal and interest;

(*e*) In paying to the district fund, with interest at five per cent. per annum, all moneys paid by the Council otherwise than out of the harbour revenue for the purposes of the harbour and works;

The surplus, after providing for the purposes aforesaid, shall be deemed to be, and shall be treated as, part of the district fund.

Sinking fund

34. The moneys applied in providing a sinking fund shall be invested from time to time, and accumulated in the way of compound interest by investing the same, and the dividends and income thereof respectively, in any security upon which trust moneys may be invested (other than securities of the Council) until the moneys and interest so invested shall amount in value at the market price of the day to such a sum as will, with the accumulations thereof, by way of compound interest at the rate of four and a half per cent. per annum, be sufficient to pay off the whole amount remaining unpaid of the said moneys so borrowed other than moneys repayable by yearly or half-yearly instalments of principal and interest, at the time when the said moneys, or the respective parts thereof, shall become payable. Provided that the Council may at any time apply any portion of the sinking fund, or any money directed to be applied in providing a sinking fund, in buying at a price less than the sum to secure which the same shall have been given any bond or other security given by the Council for any money borrowed under this Act.

Return as to Sinking Fund, &c., to be made to Ministry of Home Affairs.

35.—(1) The Clerk of the Council shall, within twenty-one days after the thirty-first day of March in each year, if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment, or to be

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appropriated or paid to a sinking fund in pursuance of the provisions of this Act, or in respect of any money raised thereunder, and at any other time when the Ministry of Home Affairs may require such a return to be made, transmit to the Ministry of Home Affairs a return in such form as may be prescribed by that Ministry, and if required by that Ministry verified by statutory declaration of the Clerk of the Council showing for the year next preceding the making of such return or for such other period as the Ministry may prescribe the amounts which have been paid as instalments or annual payments in respect of moneys borrowed under the powers conferred by this Act, and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of compound interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year.

(2) The Clerk of the Council in the event of any wilful default by him in making the return under this Section shall for each offence be liable to a penalty not exceeding twenty pounds, and that penalty shall be paid to the Ministry of Home Affairs, and shall be recoverable by that Ministry by action on behalf of the Crown in the High Court, and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by that Ministry out of the High Court.

(3) If it appears to the Ministry of Home Affairs by the return under this section, or otherwise, that the Council have failed to pay any instalment or annual payment, or to appropriate any sum required to be appropriated, or to set apart any sum required for any sinking fund under this Act (whether such instalment or annual payment or sum is required by this Act to be paid, appropriated or set apart), or have applied any portion of any sinking fund to any purposes other than those authorised by this Act, the Ministry of Home Affairs may, by Order, direct that the sum mentioned in that Order, not exceeding double the amount in respect of which the default has been made, shall be paid or ap-

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plied as in that Order mentioned, and that Order shall be enforceable by writ of Mandamus to be obtained by the Ministry of Home Affairs out of the High Court.

Making up deficiency in harbour revenue.

36. In case the harbour revenue shall in any year be insufficient for the purpose of defraying the expenses of the Council with respect to the harbour and works, the Council shall defray the amount of such insufficiency out of the rents and profits, after deducting the expense of management and repair, of the lands and houses the property of the Council described in the section of this Act of which the marginal note is "Power to Council to mortgage or charge," and out of the district fund, and in case the harbour revenue and the said rents and profits and the district fund together shall be insufficient for such purpose, the Council shall include the amount of such insufficiency in their estimate for that or the following year, and defray the same out of the district rate, notwithstanding any restrictions placed by any Act upon the amount of the district rate, which restrictions are hereby for the purposes of this section removed, but in such manner and so that the district rate shall not be liable in any year to contribute for the purposes of the harbour and works, including the repayments of money borrowed on the security of the harbour and works, or any interest thereon, a sum greater than the amount produced by a district rate of sixpence in the pound.

Separate account.

37. The Council shall keep a separate account to be called "the harbour account" of all the receipts, payments, credits and liabilities on capital and revenue accounts respectively, in respect of the working, use, maintenance and repair of the said harbour and works, and of the execution of the works authorised by this Act, and such account shall be subject to the same provisions as to audit and otherwise (including provisions which impose penalties or provide for the payment of sums) as the other accounts of the Council.

Annual account to be sent to Ministry of Commerce.

38.—(1) The Council shall within two months after the date to which their annual accounts are made up send a copy of the same to the Ministry of Commerce and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any such account.

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(2) The Council shall as from the expiration of the said two months be liable to a penalty not exceeding Twenty Pounds for every week or part of a week during which they refuse or neglect to comply with this section.

(3) The account shall be made up to the end of the thirty-first day of March in each year or such other date as may be approved by the Ministry of Commerce.

(4) In addition to the account lodged with the Clerk of the Crown and Peace in accordance with section 50 of the Harbour Clauses Act, 1847, the Council shall also lodge with him a full and detailed statement shewing the capital expenditure made by the Council during the year covered by the said account.

MISCELLANEOUS.

Crown Rights

39.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular nothing herein contained authorises the Council to take, use or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay or estuary, or any land, hereditaments, subjects or rights of whatsoever description belonging to His Majesty in right of his Crown and under the management of the Commissioners of Crown lands, or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown lands, or the Board of Trade as the case may be, on behalf of His Majesty first had and obtained for that purpose.

(2) Without prejudice to any existing right of His Majesty and save as provided by the Army Act and the Air Force Act nothing in this Act shall extend to authorise any tolls to be demanded or received from any person when on duty in the service of the Crown, or for any animal, vehicle or goods, the property of, or when being used in the service of the Crown or returning after being so used, or from any police officer acting in the execution of his duty, or for any mail bag as defined by the Post Office Act, 1908. If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

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Inquiries by Ministry of Home Affairs.

40.—(1) The Ministry of Home Affairs may direct any inquiries to be held by its Inspectors which it may deem necessary in regard to the exercise of any powers conferred upon it, or the giving of any consents under this Act, and the Inspectors of the Ministry of Home Affairs shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Ministry under the Public Health (Ireland) Act, 1878.

(2) The Council shall pay to the Ministry of Home Affairs any expenses incurred by that Ministry in relation to any inquiries referred to in this section, including the expenses of any witnesses summoned by the inspector holding the inquiry, and a sum to be fixed by that Ministry not exceeding five guineas a day for the services of such inspector.

Harbour and works to be within Urban District.

41. The harbour and works shall, for all purposes, be deemed to be within the Urban District of Carrickfergus, and the County of Antrim.

Railways not to be exempt from provisions of General Railway Acts.

42. Nothing herein contained shall be deemed or construed to exempt the railways by this Act authorised to be made from the provisions of any General Act relating to railways now in force, or which may hereafter pass during this or any future session of the Parliament of Northern Ireland.

Costs of Act.

43. All costs, charges and expenses, preliminary to and of and incidental to the preparing, applying for, obtaining and passing this Act, and otherwise incurred in reference thereto, shall, after taxation by the Taxing Officer of the Parliament of Northern Ireland, be paid by the Council out of the moneys to be borrowed under the authority of this Act.

CHAPTER IV.

An Act to empower the Coleraine Harbour Commissioners to construct works to improve the navigation of the River Bann, and for other purposes. [31st May, 1927.]

WHEREAS by the River Bann Navigation Act, 1879 (hereinafter referred to as "the Act of 1879"), the

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Coleraine Harbour Commissioners (hereinafter referred to as " the Commissioners ") were constituted and incorporated and were authorised to construct works and exercise powers for the improvement and control of the River Bann within the limits therein described and for such other purposes as are therein set forth;

And whereas by the Act of 1879 all the property, rights, and privileges previously vested in and enjoyed and exerciseable by the Coleraine town Commissioners pursuant to the River Bann Navigation Act, 1863, in and over the River Bann within the said limits were transferred to the Commissioners;

And whereas by the Act of 1879 the Commissioners were empowered to borrow money to the extent therein specified and to secure the moneys so borrowed by mortgage on " the River Bann Fund," which the Commissioners were required by the said Act to set up and to which they were required to carry the sums of money and income in the said Act mentioned;

And whereas the Commissioners are executing the powers of the Act of 1879 and have constructed various works and borrowed various sums of money thereunder;

And whereas the sums now owing by the Commissioners on mortgage of the River Bann Fund amount to three thousand seven hundred and ninety-seven pounds, whereof one thousand nine hundred and eighty-seven pounds is owing in respect of moneys borrowed by the Commissioners under the powers of the Act of 1879, and the remaining one thousand eight hundred and ten pounds is owing in respect of mortgages known as " B Mortgages " created by the said Coleraine town commissioners and transferred to the Commissioners under the Act of 1879.

And whereas by the River Bann Navigation Act, 1885 (hereinafter referred to as " the Act of 1885 "), the Commissioners were empowered to make and maintain certain railways and to borrow moneys for the construction thereof and were required to carry all revenue from such railways and from charges for the use of cranes on their wharves to a separate fund to be called the Bann Railway Revenue Fund and were also required to carry all borrowed moneys and other receipts of a capital nature in relation to the said railways to a fund to be

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called the Bann Railway Capital Fund, and it was provided that all expenses of the Commissioners for or in relation to the execution of the powers of the Act of 1885 in relation to the said railways and cranes should be paid as to charges on capital out of the Bann Railway Capital Fund and as to charges on revenue out of the Bann Railway Revenue Fund and that the said funds should be wholly distinct from the River Bann Fund, and should not be liable to any debts secured on or chargeable against that fund;

And whereas by the Act of 1885 the Commissioners were authorised to borrow moneys on the security of the Bann Railway Revenue Fund and the Commissioners were empowered to include by way of additional or collateral security in the security for such loans any surplus revenue of the River Bann Fund but the power to give such additional or collateral security has not in fact been exercised;

And whereas for the better protection of the channel of the said River Bann and the navigation thereof the Commissioners in pursuance of the powers of the Act of 1879 and soon after the passing thereof constructed two piers at the mouth of the said River, one on either side of the channel thereof, and they also at a later date constructed a training bank in the left or south-west side of the river adjacent to the pier on that side;

And whereas the said piers have been partially broken down by heavy seas or other causes and are now in a partially ruined condition so that the sea washes over them, and the said training bank is not placed in a suitable position for guiding the current of the river satisfactorily between the said piers, and it is expedient that the Commissioners should be empowered to reconstruct the said piers and training bank in the positions and in the manner by this Act authorised and in connection therewith and for the purposes thereof to acquire lands, borrow money, and exercise other powers as in this Act provided.

And whereas provision was made by the Act of 1879 for enabling the Commissioners in the case of the River Bann Fund proving insufficient for payment in full of interest on mortgages and certain other charges under that Act to make requisitions upon the Coleraine town

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commissioners, the treasurer of the Coleraine Union, and the treasurer of the Ballymoney Union for certain contributions to be levied as in that Act described by rates within a rateable district comprising the half barony (now known as the barony) of Coleraine and the barony of the north-east liberties of Coleraine including the town of Coleraine;

And whereas the area which at the passing of the Act of 1879 comprised the town of Coleraine is now represented subject to some variations by the urban district of Coleraine;

And whereas the remainder of the area which at the passing of the Act of 1879 was comprised in the said rateable district under that Act, reduced by a portion which has been included within the urban district of Portrush and increased by the addition of certain lands to the south-east thereof situate in the barony of Loughinshollin and comprising the electoral divisions of Kilrea, Lislea, and Hervey Hill, and parts of the electoral divisions of the Grove and Bovedy, is now represented by the urban district of Portstewart and the rural district of Coleraine;

And whereas it is expedient that the provisions hereinbefore mentioned for the levying of contributions to meet any insufficiencies in the River Bann Fund should be varied and that the contributions should be levied upon the areas comprised in the urban districts of Coleraine and Portstewart and the rural district of Coleraine respectively and that in view of the capital expenditure required for construction of the works by this Act authorised the maximum rates of contribution should be increased;

And whereas it is expedient that the other provisions in this Act contained should be enacted;

And whereas the objects aforesaid cannot be attained without the authority of Parliament;

And whereas plans and sections showing the lines, situation, and levels of the several works by this Act authorised and plans showing the lands which may be acquired or used under the powers of this Act and a book of reference to those plans containing the names of the

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owners or reputed owners, lessees or reputed lessees, and of the occupiers of, and describing such lands, have been deposited with the Clerk of the Peace for the County of Londonderry and are in this Act referred to as the deposited plans, sections, and book of reference:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted and BE IT ENACTED by the KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short and collective titles.

1.—(1) This Act may be cited as the River Bann Navigation Act (Northern Ireland), 1927.

(2) The Act of 1879, the Act of 1885, and this Act may together be cited as the River Bann Navigation Acts, 1879 to 1927.

Incorporation of Acts.

2. The following Acts and Parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act (namely):—

The Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919; Provided that for the purposes of such incorporation the Railways Act (Ireland), 1851, and the Acts amending the same shall be read and have effect as if the Commissioners were a railway company and the works by this Act authorised were railways and the lands by this Act authorised to be acquired were required for the purposes of a railway;

The Harbours, Docks and Piers Clauses Act, 1847, except sections 12, 13, 16 to 19 (unless the Commissioners shall be required by the Board of Trade or the Ministry of Commerce to provide and maintain a lifeboat and a tide gauge and a barometer) and except sections 25 and 26 of that Act: Provided that for the purposes of such incorporation the expression "the harbour, dock, or pier" in that Act means the River

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Bann within the limits of the Act of 1879 and the works connected therewith by the Act of 1879 or by this Act authorised.

Provided also that the following expressions used in the Harbours, Docks, and Piers Clauses Act, 1847, shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "post office packet" mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act, 1908; and the expression "post office bag of letters" means a mail bag as defined by the same Act:

Provided further that nothing in that Act or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

The Commissioners Clauses Act, 1847, except sections 6 to 35 both inclusive and sections 96 to 98 both inclusive.

Interpretation.

3.—(1) For the purposes of this Act in any Act wholly or partially incorporated with this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute, and "superior courts" shall include any court of competent jurisdiction;

(2) The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless excluded by the subject or context;

(3) In this Act unless otherwise expressly provided or the context otherwise requires:—

"The Act of 1879" means the River Bann Navigation Act, 1879.

"The Act of 1885" means the River Bann Navigation Act, 1885.

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"The Commissioners" means the Coleraine Harbour Commissioners constituted and incorporated by the Act of 1879.

"The harbour" includes all places within the limits of the Act of 1879 and all works executed by the Commissioners under the authority of the Act of 1879 or this Act.

"The County Council" means the Londonderry County Council.

"The Coleraine Urban Council" means the Urban District Council of Coleraine.

"The Portstewart Urban Council" means the Urban District Council of Portstewart.

"The Ministry of Commerce" means the Ministry of Commerce for Northern Ireland.

"The Ministry of Home Affairs" means the Ministry of Home Affairs for Northern Ireland.

Power to execute works.

4. Subject to the provisions of this Act the Commissioners may in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the following works together with all necessary and proper works and conveniences connected therewith or ancillary thereto (that is to say):—

Work No. 1.—The reconstruction, raising, and repair of the existing East Pier at the mouth of the River Bann.

Work No. 2.—The reconstruction, raising, and repair of the existing West Pier at the mouth of the River Bann.

Work No. 3.—The reconstruction, repair, alteration, and extension of the existing Training Bank on the south-westward or left side of the mouth of the River Bann.

Subsidiary works.

5. In connection with the works referred to in the last preceding section of this Act the Commissioners may subject to the provisions of this Act erect and maintain upon any of the said works or upon any of the lands delineated on the deposited plans and described in the deposited book of reference or in the waters of the River Bann abutting on any of the said lands or works, landing stages, jetties, or approaches of open construction or open piling, and mooring places, sheds, embankments,

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tramways, roads, temporary stagings, machinery, plant, works, and conveniences: Provided that no such stage, jetty, or approach shall project into the river more than twenty-five feet beyond low-water line of spring tides, and Provided also that no work shall be constructed under the powers of this section in such manner as to diminish the navigable space in the river without the previous consent of the Ministry of Commerce and the Board of Trade or otherwise than in such manner as is expressly authorised by the Ministry of Commerce and the Board of Trade unless such work is shown on the deposited plans and is constructed in the lines marked on the said plans.

Power of deviation.

6. In constructing the works authorised by this Act the Commissioners may deviate laterally from the respective lines or situations thereof shown on the deposited plans to the extent of the limits of deviation marked thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards or downwards.

Provided that no deviation either lateral or vertical below high-water mark shall be made without the previous consent in writing of the Ministry of Commerce and the Board of Trade.

Period for completion of works.

7. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Works below high-water mark to be subject to approval of Ministry of Commerce and Board of Trade.

8. Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on, under or over tidal waters or tidal lands below high water mark of ordinary spring tides in accordance with plans and sections approved by the Ministry of Commerce and the Board of Trade under the hand of the Secretary or Assistant Secretary of the Ministry of Commerce and the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade and subject to such restrictions and regulations as the said Ministry and the said Board may prescribe before such work is begun.

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Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Ministry of Commerce or the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Ministry of Commerce or to the Crown as the case may be and shall be recoverable either as a debt due to the Crown or by the Ministry of Commerce or the Board of Trade as a civil debt.

Survey of Works by Ministry of Commerce and Board of Trade.

9. If at any time the Ministry of Commerce or the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Commissioners under the powers of this Act which shall be on, under or over tidal waters or tidal lands below high water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Ministry of Commerce or to the Crown as the case may be and shall be recoverable either as a debt due to the Crown or by the Ministry of Commerce or the Board of Trade as a civil debt.

Abatement of work abandoned or decayed.

10.—(1) Where any work constructed by the Commissioners under the powers of this Act and situate wholly or partially on, under or over the shore or bed of the sea or of any creek, bay, arm of the sea or navigable river communicating therewith below high water mark of ordinary Spring tides is abandoned, or suffered to fall into decay, the Ministry of Commerce or the Board of Trade may, by notice in writing either require the Commissioners at their own expense, to repair and restore such part of such work as is situate below high water mark of ordinary Spring tides, or any portion thereof, or require them to abate or remove the same and restore the site thereof to its former condition, to such an extent and within such limits as the Ministry of Commerce or the Board of Trade may think proper.

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(2) If, during the period of thirty days from the date when the Notice is served upon the Commissioners they have failed to comply with such Notice the Ministry of Commerce or the Board of Trade may execute the works required to be done by the Notice at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Ministry of Commerce or to the Crown as the case may be, and shall be recoverable, either as a debt due to the Crown, or by the Ministry of Commerce or the Board of Trade as a civil debt.

Provision against danger to navigation.

11.—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on, under or over any tidal waters or tidal lands below high water mark of ordinary spring tides the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Ministry of Commerce and the Board of Trade and shall apply to that Ministry and to that Board for directions as to the means to be taken.

(2) If the Commissioners fail to comply in any respect with the provisions of this section, they shall be liable on conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to comply or refuse or neglect to obey any direction given in reference to the means to be taken.

Lights on works during construction.

12.—(1) The Commissioners shall at or near such part of the works by this Act authorised as shall be below high water mark of ordinary spring tides during the whole time of the construction, alteration, or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Ministry of Commerce and the Board of Trade shall from time to time require or approve.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on conviction to a penalty not exceeding ten pounds,

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and in the case of a continuing offence, to an additional penalty not exceeding one pound for every day on which after conviction thereof they so fail.

Permanent lights on works.

13.—(1) The Commissioners shall at or near the outer extremity of the pier on the east side of the mouth of the River Bann or in such other position as may be approved by the Commissioners of Irish Lights exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Irish Lights shall from time to time direct.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day on which after conviction thereof they so fail.

Power to take lands.

14. Subject to the provisions of this Act the Commissioners may enter upon and take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they require for the purposes of or in connection with the works by this Act authorised or for the general purposes of the harbour or the undertaking of the Commissioners.

Persons under disability may grant easements.

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement, right, or privilege (not being an easement, right, or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in, over, or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Compensation in case of recently altered buildings, etc.

16. In settling any question of disputed purchase money or compensation for lands acquired by the Commissioners under the powers of this Act the tribunal to which the question is under this Act referred shall not

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award any sum of money for or in respect of any improvement or alteration made or any building erected after the twentieth day of November, nineteen hundred and twenty-six, if in the opinion of such tribunal the improvement, alteration, or building in respect of which the claim is made was made with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of such tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Commissioners of such lands.

Period for compulsory purchase of lands.

17. The powers of the Commissioners for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Extinction of private rights of way

18. All private rights of way over any lands which the Commissioners are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Commissioners be extinguished: Provided that the Commissioners shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to take and remove stone and other materials from lands.

19 Subject to the provisions of the section of this Act the marginal note of which is "Crown Rights" the Commissioners may take and remove from any of the lands which they are by this Act authorised to acquire after the acquisition thereof any stone, sand, gravel, or other materials necessary or suitable for the purposes of the construction or maintenance of any of the works by this Act authorised.

Power to retain, sell, etc., lands.

20. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Commissioners may retain, hold, and use for such time as they may think fit or may sell, lease, exchange, or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may

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think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interests therein acquired by them under this Act and may sell, exchange, or dispose of any rents reserved on the sale, lease, exchange, or disposition of such lands or interests therein and may make, do, and execute any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition and on any exchange may give or take any money for equality of exchange.

Lands and works to be vested in Commissioners and within limits of Act of 1879.

21. The several lands and works which the Commissioners may acquire or construct under this Act shall be vested in the Commissioners and held by them for the purposes for which the same are respectively authorised by this Act to be acquired or constructed and shall be deemed to be comprised within the limits of the Act of 1879.

Power to borrow on mortgage of River Bann Fund.

22. The Commissioners from time to time may borrow on mortgage of the River Bann Fund (exclusive of borrowed moneys) as constituted by the Act of 1879 and this Act any sums not exceeding in the whole sixty-five thousand pounds : Provided that in the event of any part of the sums borrowed by the Commissioners under this Act being repaid by any means except the sinking fund by this Act provided for the repayment thereof the Commissioners may from time to time reborrow the same and so *toties quoties :* Provided also that all sums so borrowed or re-borrowed shall be repaid within such period not exceeding sixty years from the date of the borrowing of the same in the first instance as the Commissioners may agree upon with the lender.

All moneys borrowed or re-borrowed under the authority of this Act on the security of the River Bann Fund and all interest from time to time due in respect thereof and all moneys from time to time payable by way of contribution to the sinking fund for repayment thereof shall be and the same are hereby declared to be charged on the River Bann Fund (exclusive of borrowed moneys) as constituted by the Act of 1879 and this Act and upon each and every part of the same subject to all and every other mortgage or charge subsisting at the passing of this Act and affecting the same or each or any part of the same.

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Application of moneys borrowed and contributions and grants.

23.—(1) All moneys from time to time borrowed by the Commissioners under this Act shall be applied as follows (that is to say):—

First—In payment of the costs, charges, and expenses of and incident to the preparing and applying for obtaining and passing this Act; and

Secondly—In payment of the expenditure of the Commissioners in and about the execution of such of the works by this Act authorised as the Commissioners from time to time may execute.

(2) Any moneys received by the Commissioners from time to time by way of contribution or grant from landowners, shipowners, or other persons or corporations, or from any municipal or public authority or government shall (subject to any terms or conditions which may be attached to any such contributions or grants) be applied in or towards payment of expenditure on works or in paying off moneys borrowed on the River Bann Fund or for such other capital purposes in connection with the River Bann Navigation as the Commissioners may determine.

Application of moneys received otherwise than on capital account.

24. All moneys received by the Commissioners under this Act other than moneys borrowed or received on capital account or moneys received under the section of this Act whereof the marginal note is "Provision in case of insufficiency of River Bann Fund for payment of interest, etc.," shall be carried by the Commissioners to the credit of the River Bann Fund.

Amendment of provisions of Act of 1879 as to River Bann Fund.

25. Section 100 of the Act of 1879 (Application of moneys other than borrowed moneys constituting River Bann Fund) shall after the passing of this Act be read and construed as if in the paragraphs thereof headed respectively "First" and "Fifthly" this Act were mentioned along with the Act of 1879 and as if the said paragraph headed "Fifthly" were headed "Seventhly" and as if between the paragraphs headed respectively "Fourthly" and "Fifthly" the following two additional paragraphs were inserted (that is to say):—

Fifthly—In payment of interest at any rate not exceeding six per cent. per annum on all moneys borrowed by the Commissioners under the River

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Bann Navigation (Northern Ireland), Act, 1927, on mortgage of the River Bann Fund and from time to time remaining secured thereon and in payment of such annual sums as may be payable to the Government of Northern Ireland or any public department in respect of loans or advances made by them;

Sixthly—In providing the sinking fund for the repayment of the principal moneys from time to time borrowed by the Commissioners under the River Bann Navigation (Northern Ireland) Act, 1927, on mortgage of the River Bann Fund.

Application of certain provisions of Act of 1879.

26. The following provisions of the Act of 1879 shall extend and apply to and for the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act (namely):—

Section 101 (Amount of sinking fund).

Section 103 (Protection of lenders from inquiry).

Section 108 (Annual return to Board of Trade with respect to sinking fund).

Provided that the said section 101 shall have effect as if "sixty years" were substituted for "seventy years" and "five years" were substituted for "ten years" and the said section 108 shall have effect as if the Ministry of Commerce were therein mentioned in place of the Board of Trade and as if "Northern Ireland" were substituted for "Ireland."

Appointment and powers of Receiver.

27.—(1) The Mortgagees of the Commissioners having security on the River Bann Fund may enforce payment of arrears of interest or principal or of principal and interest due on their mortgages by the appointment of a Receiver and the amount of principal owing to mortgagees which shall entitle them to apply for a Receiver shall be not less than two thousand pounds.

(2) From and after the appointment of a Receiver under sub-section (1) of this section the powers of the Commissioners with respect to the making of requisitions upon the Coleraine Urban Council, the Portstewart Urban Council, and the County Council and for raising in case of default in compliance with any such requisition by means of a general rate or poor rate the moneys required

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by such requisitions respectively shall be suspended and shall not again be exercised until the Receiver is discharged and all such powers may during such time as aforesaid be exercised by the Receiver who shall for such purposes proceed in the same manner and he and all persons employed by him in that behalf shall have the same powers, remedies, and privileges and be subject to the same restrictions, regulations, and obligations in this behalf as the Commissioners but for the provisions of this sub-section would have had and been subject to.

(3) Section 106 (Appointment of Receiver) and section 107 (Receiver to have powers of Commissioners with respect to requisitions and rates) of the Act of 1879 are hereby repealed.

Repeal of Section 102 of Act of 1879 and provision in case of insufficiency of River Bann Fund for payment of interest, etc.

28.—(1) This section, save as otherwise therein provided, shall take effect as from the 1st day of January, 1928.

(2) Section 102 (Provision in case of insufficiency of Bann Fund for payment of interests, etc., in respect of moneys borrowed on mortgage under Act) of the Act of 1879 is hereby repealed, and the Act of 1879 shall be read and construed as if sub-section (3) of this section were inserted therein in place of the said section 102.

(3) (i) The Commissioners shall, on or before the 20th day of January in each year, prepare and send to the clerks of the Coleraine Urban Council and the Portstewart Urban Council respectively and to the Secretary of the County Council an estimate of the moneys other than borrowed moneys to be carried to credit of the River Bann Fund during that year and of the sums required to be paid out of that Fund during that year in pursuance of the provisions of section 100 (application of moneys other than borrowed moneys constituting River Bann Fund) of the Act of 1879, as amended by this Act.

(ii) If it appears from the said estimate that the moneys to be carried to credit of the said Fund during the year to which the estimate relates will, after payment of the expenses for that year of the Commissioners and their Officers in executing the Act of 1879 and this Act and in maintaining and regulating the harbour, be insufficient for the pay-

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ment in full of the following charges for that year (in this section referred to as "the specified charges"), that is to say: the interest payable on mortgages made under the authority of the Act of 1879 or on mortgages made under the authority of this Act, and any annual sums payable to the Government of Northern Ireland or any public department in respect of loans or advances, and the annual contributions to the sinking funds to be provided for the repayment of the principal moneys secured by mortgages under the Act of 1879 and this Act respectively, then and in every such case the amount of such insufficiency (in this section referred to as "the total requirement") shall be contributed and paid to the Commissioners to the extent and in the proportions and manner hereafter in this section provided by the Coleraine Urban Council, the Portstewart Urban Council, and the County Council respectively, provided that for the purpose of arriving at the total requirement for each year after the 31st day of December, 1928, the amount estimated as to be carried to credit to the River Bann Fund during the year shall be increased or reduced (as the case may be) by the sum (if any) by which the total requirement for the next preceding year when added to the amount of the moneys other than borrowed moneys actually carried to credit of the said Fund during such next preceding year proved more than sufficient or less than sufficient to meet the sums actually paid out of that fund during such next preceding year for the specified charges.

(iii) Along with the estimate hereinbefore mentioned for each year the Commissioners shall send to the said clerks and secretary respectively an estimate of the total requirement for that year and a statement of the proportions of such total requirement to be contributed and paid by the Coleraine Urban Council, the Portstewart Urban Council, and the County Council respectively, in accordance with the provisions of this section.

(iv) Of the total requirement for any year the sums which the Coleraine Urban Council on the one hand, and the Portstewart Urban Council and the

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County Council together on the other hand, shall respectively be required to pay shall be so calculated that (a) as between the Urban District of Coleraine on the one hand and the Urban District of Portstewart and the Rural District of Coleraine together on the other hand the liability in respect of the rates required to be levied as hereinafter provided to produce the same, calculated on each one pound of the net annual value of the rateable property in the said Districts respectively in accordance with the valuation thereof then in force under the Acts relating to the valuation of rateable property in Northern Ireland, shall be in the proportion of twelve to one; and (b) the sums to be paid by the Portstewart Urban Council and the County Council respectively shall be to one another in the same ratio as the net annual values of the rateable property in the Urban District of Portstewart and the Rural District of Coleraine are to one another, the net annual values of such property being ascertained in accordance with the valuation thereof then in force under the Acts relating to the valuation of rateable property in Northern Ireland.

(v) Provided that the total amount which the said Urban Councils respectively shall so be required to pay in respect of any year shall not exceed the amount which would be raised by means of a rate or assessment made in the manner hereinafter provided of, in the case of the Coleraine Urban Council, three shillings and sixpence in the pound, and in the case of the Portstewart Urban Council, threepence and one halfpenny in the pound upon the net annual value of the rateable property in their respective Urban Districts, in accordance with the valuation thereof then in force under the Acts relating to the valuation of rateable property in Northern Ireland; and Provided also that the total amount which the County Council shall be so required to pay in respect of any year shall not exceed the amount which would be raised by means of a poor rate of threepence and one halfpenny in the pound upon the net annual value of the rateable property in the Rural District of Coleraine in accordance with the valuation thereof then in force under the Acts relating to the valuation of rateable property in Northern Ireland.

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(vi) Forthwith after receipt of the said estimates and statement for any year the Coleraine Urban Council and the Portstewart Urban Council respectively shall, by means of rates or assessments to be made and levied in their respective Urban Districts for the next ensuing financial year in like manner and with like incidents and consequences as if they were general assessments under the Towns Improvement (Ireland) Act, 1854, and any Acts for the time being in force affecting or amending the same, levy the amounts required for payment of the proportions of the total requirement for that year required to be contributed by them respectively and the said Urban Councils respectively may and shall also levy together therewith and apply the amount of the expenses of and incident to the making, levying, and applying of such rates as aforesaid.

(vii) Forthwith after receipt of the said estimates and statement for any year the County Council shall levy as part of the poor rate of the Rural District of Coleraine for the next ensuing financial year the amount required for payment of the proportion of the total requirement for that year required to be contributed by them and the County Council may and shall also levy together therewith and apply the amount of the expenses of and incident to the making, levying, and applying of such rate as aforesaid.

(viii) At such time or times during any year as they may think fit the Commissioners shall by requisitions in writing under their seal, addressed to the Coleraine Urban Council, the Portstewart Urban Council and the County Council respectively, require the said Urban Councils and County Council respectively to pay to the Commissioners the sums stated in such requisitions respectively, which shall be sums together making up the total requirement for that year; the total amount of the requisitions so addressed by the Commissioners to the said Urban Councils and County Council at any one time in any year shall be apportioned among them respectively in the proportions in which the total requirement for that year is required to be contributed by them

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respectively pursuant to this section. The said Urban Councils and County Council respectively shall pay to the Commissioners the sums stated in such respective requisitions within three months from the date of receiving such respective requisitions.

Amendment of certain provisions of Act of 1879.

29.—(1) As from the first day of January, 1928, section 104 (Duties of Commissioners with respect to the B mortgages) of the Act of 1879 shall be read and construed as if the Coleraine Urban Council were therein referred to in place of the town Commissioners, three shillings and sixpence were therein referred to in place of two shillings and sixpence, "the Urban District of Coleraine" were substituted for "the town of Coleraine," and "Northern Ireland" were substituted for "Ireland."

(2) As from the first day of January, 1928, section 105 (Powers to Commissioners to make and levy rates in case of default) shall be read and construed as if the Coleraine Urban Council were therein referred to in place of the Town Commissioners and the Portstewart Urban Council and the County Council were therein referred to in place of the treasurer of the Coleraine Union and the treasurer of the Ballymoney Union and in place of the Coleraine Guardians and the Ballymoney Guardians.

For protection of Irish Society.

30. For the protection of the Honourable the Irish Society (in this section called "the Society") the following provisions shall, unless otherwise agreed between the Commissioners and the Society, have effect (that is to say):—

(1) in constructing the works by this Act authorised, in the bed or banks of the River Bann the Commissioners and their Contractors shall take all reasonable precautions for protection of fish and fry in the river and shall not carry out any blasting operations in the river except in such manner and at such times as may be reasonably approved by the Society. The Commissioners and their Contractors shall also in constructing the said works take all reasonable measures to prevent, as far as possible, the said river from being polluted by lime, cement, or other matter deleterious to fish or fry.

(2) In the execution of any works and in the exercise of any powers by this Act authorised or conferred,

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the Commissioners shall not unreasonably or unnecessarily obstruct, damage, or interfere with any stake or other net or any tackle or equipment or other thing belonging to the Society or their lessees and used in connection with the several fishery of the Society, and shall not unreasonably or unnecessarily interfere with the exercise by the Society or their lessees of any rights of fishing or taking of fish or with the run of fish or fry, and shall take all reasonable precautions to prevent the capture of fish by workmen engaged in the carrying out of the said works.

(3) The Society (if in their opinion it shall become necessary to do so) may employ two persons during the months of May, June, July, and August, during the construction of the works by this Act authorised, for the purpose of preventing during such period any poaching operations by workmen or employees of the Commissioners or their Contractors, and the reasonable expense of the employment of such persons, so far as such expense may be agreed or in case of difference determined by arbitration to have been reasonably necessary, shall be repaid to the Society by the Commissioners on demand.

(4) Except as is by this Act expressly provided, nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed by the Society under or by virtue of any Charter or Charters heretofore granted to them by the Crown or any Statute in anywise relating thereto.

Recovery of penalties.

31. Save as otherwise by this Act expressly provided all offences against this Act and all penalties, forfeitures, costs, and expenses imposed or recoverable under this Act or any by-law made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses, except such as are recoverable along with a penalty, shall not be recovered as penalties but may be recovered as civil debts.

Recovery of demands.

32. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment, whether provision is or is not made for the recovery in any specified court or manner, may be taken

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in any county court having otherwise jurisdiction in the matter, provided that the demand does not exceed the amount recoverable in that court in a personal action.

Annual account to be sent to Ministry of Commerce.

33.—(1) The Commissioners shall within two months after the date to which their annual accounts are made up send a copy of the same to the Ministry of Commerce and also to the Ministry of Home Affairs.

(2) The Commissioners shall as from the expiration of the said two months be liable to a penalty not exceeding five pounds for every week during which they refuse or neglect to comply with this section.

Crown rights

34. Nothing in this Act affects prejudicially any estate, right, power, privilege, or exemption of the Crown, and in particular nothing herein contained authorises the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay, or estuary or any land hereditaments, subjects, or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Expenses of Act.

35. All the costs, charges, and expenses of and incident and preliminary to the preparing and applying for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Commissioners out of Harbour Revenue.

CHAPTER V.

An Act to confirm certain Provisional Orders of the Ministry of Home Affairs relating to the Rural District of Ballycastle and the Urban Districts of Bangor and Ballymena.

[21st December, 1927.]

WHEREAS the Ministry of Home Affairs has made the Provisional Orders set out in the schedules (A) and (B) hereto under the provisions of the Public Health (Ireland) Act, 1878, and has made the Provisional Order

41 & 42 Vict. c. 52.

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set out in the schedule (C) hereto under the provisions of the Gas and Water Works Facilities Act, 1870, the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873, and the Public Health (Ireland) Act, 1878:

33 & 34 Vict., c. 70.

36 & 37 Vict., c. 89.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Orders in schedules confirmed.

1. The Orders set out in the schedules hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Ministry of Home Affairs Provisional Orders Confirmation Act (Northern Ireland), 1927.

SCHEDULE (A).

RURAL DISTRICT OF BALLYCASTLE.

Cushendall Waterworks Order.

Provisional Order to enable the Council of the Rural District of Ballycastle to put in force the compulsory clauses of the Lands Clauses Acts.

WHEREAS the Council of the Rural District of Ballycastle (in this Order referred to as "the district council") require to purchase and take the lands water and rights described in the Schedule hereto for the purpose of providing a supply of water for the village and neighbourhood of Cushendall in their Rural District:

Now therefore the Ministry of Home Affairs for Northern Ireland in pursuance of the powers vested in it by section two hundred and three of the Public Health (Ireland) Act, 1878, and of all other powers enabling the said Ministry in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect, that is to say:—

41 & 42 Vict., c. 52.

1. The district council shall be empowered to put in force with reference to the lands water and rights described in the Schedule hereto the powers of the Lands Clauses Acts as amended by section eight of the Public Health (Ireland) Act, 1896, and modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, with respect to the purchase and taking of lands otherwise than by agreement or any of them.

59 & 60 Vict. c. 54.
9 & 10 Geo. 5 c. 57.

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2. Any arbitrator for the purposes of this Order may on the application of the district council award the provision of special supplies of water either in addition to or in substitution for other compensation.

3. For the purpose of this Order the expression "land" in the Lands Clauses Acts shall include the lands water and rights described in the Schedule hereto.

4. The costs and expenses of the district council and the Ministry of Home Affairs for Northern Ireland incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the district council and the money required for that purpose shall be supplied by the county council of Antrim in the manner provided by the Local Government (Ireland) Act, 1898, as part of the expenses of the district council. 61 & 62 Vict. c. 37.

5. This Order may be cited as the Cushendall Waterworks Order, 1927.

The SCHEDULE above referred to.

COUNTY OF ANTRIM.

Rural District of BALLYCASTLE District Electoral Division of GLENARIFF.

LANDS WATER AND RIGHTS.

No. of plot on deposited plan.	Description of Property.	Area of Land proposed to be taken. A. R. P.	Owners or reputed Owners.	Occupiers.
	TOWNLAND OF KNOCKANS NORTH.			
1	Rough pasture land and the water of the spring arising in, and all waters flowing through under or over, the said land.	0 1 0	John Edmund M'Gildowney, Trustee of the Will of Hugh M'Calmont M'Gildowney.	Mrs. Alice M'Allister.
	TOWNLAND OF GORTATEEA.			
2	Rough pasture land and the water of the spring arising in, and all waters flowing through under or over, the said land.	0 1 0	John Murphy.	John Murphy.

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LANDS, WATER AND RIGHTS—(continued).

No. of plot on deposited plan.	Description of Property.	Area of Land proposed to be taken.	Owners or reputed Owners.	Occupiers.
	TOWNLAND OF GORTLANE.			
3	Rough pasture land and the water of the spring arising in, and all waters flowing through under or over, the said land.	0 1 0	Robert M'Cloy.	Robert M'Cloy.
	TOWNLANDS OF ALTMORE LOWER AND ALTMORE UPPER.			
4	Rough pasture land and the water of the spring arising in, and all waters flowing through under or over, the said land.	0 1 0	Rose M'Auley. James M'Auley.	Rose M'Auley. James M'Auley.

INTERCEPTION OF WATERS.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Waters rising in above-mentioned lands and flowing to corn mill in the Townland of Cushendall in the District Electoral Division of Glenaan to be intercepted.	Francis J. S. Turnly.	Anthony O'Connor.	Anthony O'Connor.
Waters rising in above-mentioned lands and flowing to electricity works in the said Townland of Cushendall to be intercepted.	Anthony O'Connor.	—	Anthony O'Connor.

L.S.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland, this eleventh day of April, 1927.

D. L. CLARKE,
Assistant Secretary.

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SCHEDULE (B).

URBAN DISTRICT OF BANGOR.

Provisional Order to alter and amend the Bangor (County Down) Water and Improvement Act, 1905.

Bangor Gas Order.

WHEREAS the Council of the Urban District of Bangor (in this Order referred to as "the Council") are the urban sanitary authority for the urban sanitary district of Bangor:

And whereas the Bangor (County Down) Water and Improvement Act, 1905, as amended and varied by the Bangor Gas Order, 1916, confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (Gas) Act, 1916, by the Bangor Gas Order, 1923, confirmed by the Bangor Gas Provisional Order Confirmation Act (Northern Ireland), 1923, and by the Bangor Water Order, 1924, confirmed by the Ministry of Home Affairs Provisional Order Confirmation (Bangor Water) Act, 1924, (which Act of 1905 as so amended and varied is in this Order referred to as "the amended Act") is in force in the said District:

5 Edw. 7 c. cxcvi.
6 & 7 Geo. 5, c. xxvi.
13&14Geo.5, c. iii.
14 & 15 Geo. 5, c. 1.

And whereas by section one hundred and two of the amended Act it is enacted amongst other things that the Council may independently of any moneys they had already borrowed or which they might be authorised to borrow under the provisions of any other Act borrow on interest on the security of the district fund or district rate for the purpose of the gas undertaking of the Council any sums not exceeding thirty-one thousand pounds:

And whereas the Council have applied to the Ministry of Home Affairs for Northern Ireland (in this Order referred to as "the Ministry of Home Affairs") for a provisional order altering and amending section one hundred and two of the amended Act:

And whereas after inquiry it appears to the Ministry of Home Affairs expedient that the said section should be altered and amended in manner hereinafter appearing:

Now therefore the Ministry of Home Affairs in pursuance of the powers given to it by section two hundred and five and section two hundred and fourteen of the Public Health (Ireland) Act, 1878, and of all other powers enabling the said Ministry in that behalf hereby orders that from and after the date of the Act confirming this Order the following provisions shall have effect, namely:—

41 & 42 Vict. c. 52.

1. Section one hundred and two of the amended Act shall be amended by the substitution in paragraph (4) thereof of the words "fifty thousand pounds" for the words "thirty-one thousand pounds" and this amendment shall be deemed to be incorporated in the amended Act.

Amendment of Act.

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Expenses of Order.

2. The costs and expenses of the Council and the Ministry of Home Affairs incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the Council out of any fund or rate applicable by the Council to defray the expenses incurred by them in the execution of the Public Health (Ireland) Acts, 1878 to 1918.

Short title.

3. This Order may be cited as the Bangor Gas Order, 1927.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland, this second day of March, 1927.

L.S.

D. L. CLARKE,
Assistant Secretary.

SCHEDULE (C).

URBAN DISTRICT OF BALLYMENA.

Ballymena.

Provisional Order under the Gas and Water Works Facilities Act, 1870, *the Gas and Water Works Facilities Act*, 1870, *Amendment Act*, 1873, *and the Public Health (Ireland) Act*, 1878.

2 Edw. 7, c. xcv.

10 & 11 Geo. 5, c. ci.

WHEREAS by Article 18 of the Ballymena Gas Order, 1902, which was confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Gas) Act, 1902, as amended by article 2 of the Ballymena Gas Order, 1920, which was confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 2) Act, 1920 (which Order of 1902 as so amended is in this Order referred to as "the amended Order"), it was provided that the price to be charged by the urban district council of Ballymena (in this Order referred to as "the council") for gas supplied by them to consumers should not exceed seven shillings and sixpence per one thousand cubic feet and so on in proportion for any less quantity supplied, but that every odd fraction or proportion of one hundred cubic feet might be charged for as one hundred cubic feet:

And whereas the council desire that they should be authorised to increase the price of gas supplied by them to consumers beyond the limit imposed by article 18 of the amended Order, and they have applied to the Ministry of Home Affairs for Northern Ireland (in this Order referred to as "the Ministry of Home Affairs") for a Provisional Order amending and varying the said article 18:

And whereas after inquiry it appears to the Ministry of Home Affairs expedient that article 18 of the amended Order should be amended and varied in manner hereinafter appearing:

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Now therefore the Ministry of Home Affairs in pursuance of the powers vested in it by the Gas and Water Works Facilities Act, 1870, section twelve of the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873, and sections eighty and two hundred and fourteen of the Public Health (Ireland) Act, 1878, and of all other powers enabling the said Ministry in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order, the amended Order shall be amended and varied so that the following provisions shall have effect :—

33 & 34 Vict., c. 70.
36 & 37 Vict., c. 89.
41 & 42 Vict., c. 52.

1. Article 18 of the amended Order shall have effect as if the words "eight shillings and sixpence" were substituted therein for the words "seven shillings and sixpence."

2. The costs and expenses of the council and the Ministry of Home Affairs incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the Council out of any fund or rate applicable by the council to defray the expenses incurred by them in the execution of the Public Health (Ireland) Acts, 1878 to 1918.

3. This Order may be cited as the Ballymena Gas Order, 1927.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland, this eighth day of April, 1927.

L.S.

D. L. CLARKE,
Assistant Secretary.

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TABLE V.

STATUTES OF THE IMPERIAL PARLIAMENT passed in the year 1927 (17 & 18 GEO. 5). Applicable in Northern Ireland.

Chapter.	Subject Matter or Short Title.	Section of Act as to Applicability.
4	Royal and Parliamentary Titles Act	
30	Unemployment Insurance.	s. 16 (3).
39	Medical and Dentists Acts Amendment.	
41	Superannuation and other Trust Funds (Validation).	s. 11 (2).
42	Statute Law Revision.	

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